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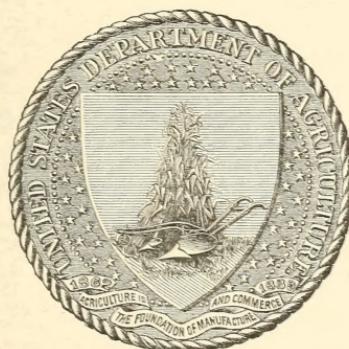
BULLETIN NO. 17.

U. S. DEPARTMENT OF AGRICULTURE.
DIVISION OF BOTANY.

LEGISLATION AGAINST WEEDS.

BY

LYSTER H. DEWEY.



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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
DIVISION OF BOTANY,
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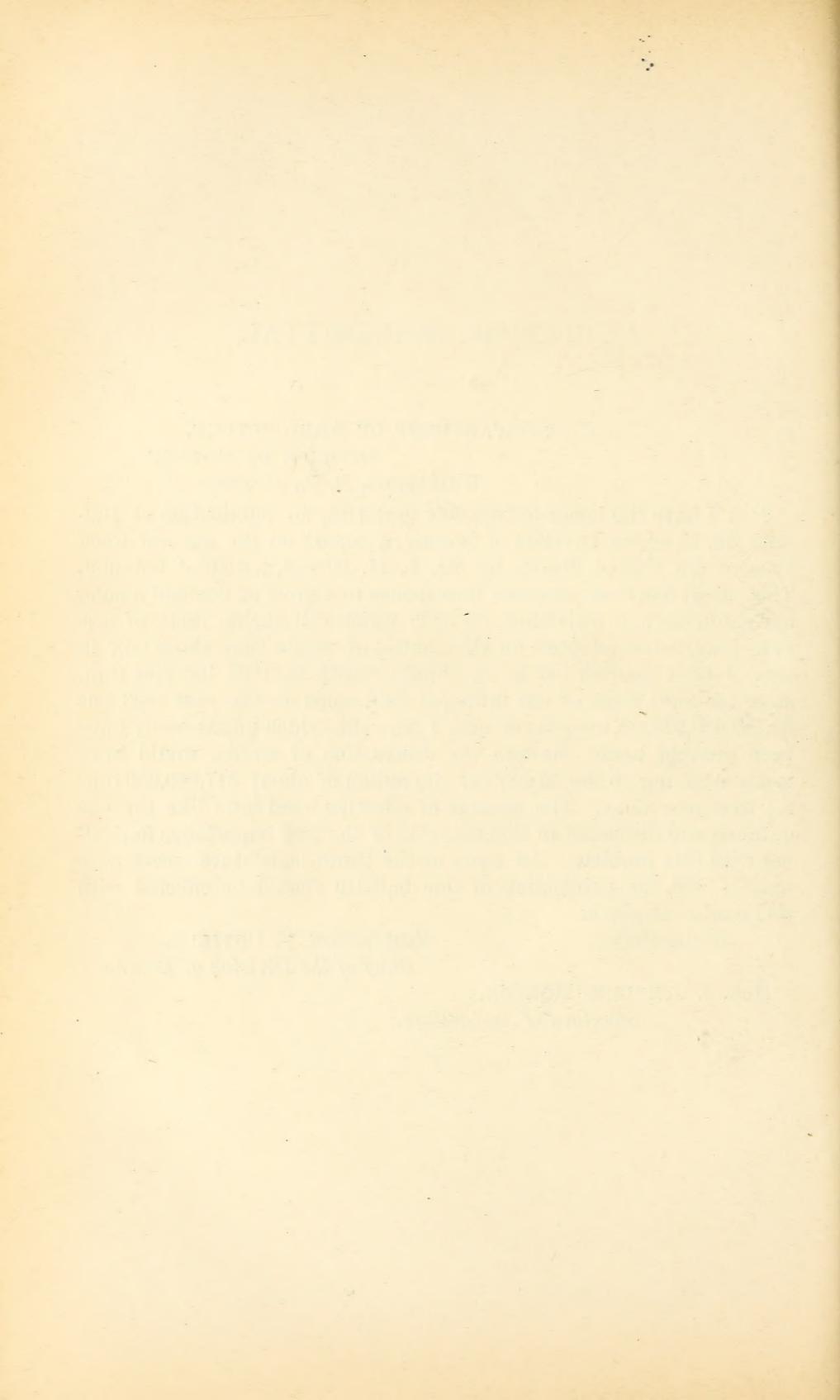
SIR: I have the honor to transmit herewith, for publication as Bulletin No. 17 of the Division of Botany, a report on the general weed laws of the United States, by Mr. L. H. Dewey, assistant botanist. This report has been prepared in response to a growing demand among agriculturists and legislators for data which will enable them to prepare laws better adapted for the control of weeds than those now in use. I have pointed out in my annual report for 1894 the fact that, since the total value of our principal field crops for the year 1893 was \$1,760,489,273, an increase of only 1 per cent, which might easily have been brought about through the destruction of weeds, would have meant a saving to the farmers of the nation of about \$17,000,000 during that year alone. The passage of effective weed laws like the one outlined and discussed in this report is of the first importance in dealing with this problem. As many of the State legislatures meet January 1, 1896, the publication of this bulletin should be effected with all possible dispatch.

Respectfully,

FREDERICK V. COVILLE,
Chief of the Division of Botany.

Hon. J. STERLING MORTON,

Secretary of Agriculture.



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LEGISLATION AGAINST WEEDS.

INTRODUCTION.

The eradication or control of the weeds established in a given neighborhood and the exclusion of new ones are results which can be achieved only through the cooperation of all the landowners. While the majority of farmers in a progressive community endeavor of their own accord to keep weeds under control, their efforts are embarrassed, if not defeated, by the annual introduction of seed from the weed patches of unthrifty neighbors. As there are sure to be some individuals who are moved neither by private interest nor public spirit to keep their fields clean, it seems necessary that the majority should have the authority of law to enforce cooperation in suppressing this public evil.

During the past three years the subject of troublesome weeds has received more attention than before, and there is an increasing demand in many of the States for legislation which will enable the farmers to keep injurious plants in subjection. A more general knowledge of the weed laws already in the statutes of the several States may arouse greater interest in their execution, and a compilation of these laws, such as is offered in this bulletin, will doubtless prove an aid in devising new legislation against weeds.

Twenty-five of the States and Territories of this country now have laws for the suppression of weeds. In most of these laws the proscribed weeds are indicated by the common names only, therefore considerable doubt exists in some cases as to what species is intended. Owing probably to a misidentification of plants, species are proscribed by the laws of Wisconsin and Minnesota that do not grow in those States, and by a misuse of technical names cultivated wheat and oats are included in a recent Minnesota law. In the Iowa law against thistles the common name Canada thistle is followed by the technical name for bull thistle. The law was evidently intended to apply to one species only, but a reasonable doubt exists as to whether the common or the technical name should be followed. The most satisfactory, although not strictly legal, solution is to require the destruction of both species. The following table indicates the weeds proscribed by the laws of the several States.

Table of proscribed weeds.

NOTE.—The asterisks (*) indicate that the weeds opposite the names of which they are placed are proscribed by the laws of the State named at the head of the column. The approved common name is given first. The common names in quotations are used in some of the laws. The technical names of the weeds that are evidently intended to be proscribed are given, although other technical names are used in some of the laws, for which see footnotes on pages 22, 28, 30, 41, and 58.

Arizona.	California.	Connecticut.	Delaware.	Illinois.	Indiana.	Iowa.	Kansas.	Kentucky.	Maryland.	Michigan.	Minnesota.	Missouri.	Nebraska.	New Jersey.	New York.	North Dakota.	Ohio.	Oregon.	Pennsylvania.	South Dakota.	Vermont.	Washington.	West Virginia.	Wisconsin.
Briers (species indefinite).....																								
Brush (species indefinite).....																								
Bull thistle, "Common thistle," <i>Carduus lanceolatus</i>																								
Burdock, <i>Arctium lappa</i>						*		*																
Bur grass, "Rocky Mountain sand spur," <i>Cenchrus tribuloides</i>						*		*																
Burs (species indefinite).....						*		*																
Canada thistle, <i>Carduus arvensis</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Charlock, "Wild mustard," <i>Brassica sinapis</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cocklebur, <i>Xanthium canadense</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Couch grass, "Quack grass," <i>Agropyron repens</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Curled dock, "Sour dock," "Yellow dock," <i>Rumex crispus</i>																								
Dock, <i>Rumex</i> (species indefinite).....																								
Milkweed, <i>Asclepias syriaca</i>																								
Noxious weeds (species indefinite).....																								
Ox-eye daisy, "White daisy," <i>Chrysanthemum leucanthemum</i>																								
Penny cress, "French weed," <i>Thlaspi arvense</i>																								
Ramsted, "Snapdragon," "Toad flax," <i>Linaria linaria</i>																								
Russian thistle, "Russian cactus," <i>Salsola kali tragus</i>																								
Sow thistle, <i>Sonchus arvensis</i>																								
Spiny cocklebur, "Dagger cocklebur," "Chinese thistle," <i>Xanthium spinosum</i>																								
Sunflower, <i>Helianthus annuus</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Sweet clover, <i>Melilotus alba</i>																								
Teasel, <i>Dipsacus sylvestris</i>																								
Thistles, <i>Carduus</i> (species indefinite).....																								
Tumble mustard, <i>Sisymbrium altissimum</i>																								
Wild carrot, <i>Daucus carota</i>																								
Wild oats, <i>Avena fatua</i>																								
Wild parsnip, <i>Pastinaca sativa</i>																								
Yellow daisy, <i>Rudbeckia hirta</i>																								

It will be noticed that twenty-one of the twenty-five States here represented have proscribed what they name the Canada thistle, but as a matter of fact the Canada thistle is by no means so troublesome in all regions as this would indicate. In some cases it is possible that another thistle is meant, while in a few cases it was proscribed evidently because of its established reputation in some of the older States. In two of the States sweet clover is proscribed. This plant is seldom very troublesome as a weed, and on certain soils it has been found to be valuable as a forage plant and soil renovator.

None of the Southern States, where the nut sedge, giant ragweed, and wild onion are most serious pests, have passed any laws against weeds. The States of the Rocky Mountain region and Great Basin

have many native weeds that are particularly aggressive under the conditions there found, and many introduced weeds thrive with great vigor in irrigated fields. The irrigating process offers especial advantages for the rapid distribution of weed seeds, and there is need of especial care to provide against injury from a practice that is otherwise most beneficial. Arizona is the only one of these States that has passed any laws against weeds.

There are no Federal laws on the subject of weeds. This is doubtless due to the fact that no weed has yet been regarded as of sufficient national importance for Federal action. Most weeds are necessarily local in their character because of the diversity of climate, soils, and methods of farming. Less than a half dozen species occur throughout the whole United States as really troublesome weeds, and of the few that are so universally distributed only the one species known as cocklebur is mentioned in the present State laws.

ESSENTIAL PROVISIONS OF A GENERAL STATE WEED LAW.

A study of the methods by which weeds may be eradicated, together with a consideration of existing laws and the circumstances under which such laws must be carried out, affords ground for the suggestion of certain provisions which may form the basis of a general State weed law. The weed law here proposed has been carefully revised by a jurist familiar with legal usages and constitutional requirements:

AN ACT for the extirpation of such weeds as are most injurious to the interests of the farming community of the State of —— or Territory of ——.

Be it enacted, etc. :

SECTION 1. A permanent commission to be known as the State Weed Commission is hereby created to consist of the State botanist *ex officio* [or similar State officer] and four eminent farmers who have a fair knowledge of the botany of the State, who shall be appointed and commissioned by the governor, by and with the advice and consent of the senate, and shall hold their offices for a term of —— years, respectively, or until their successors are appointed. The governor shall have power to fill all vacancies that may happen in the commission during the recess of the senate by granting commissions which shall expire at the end of its next session.

Nearly all of the States now have a State botanist or a botanist connected with the agricultural college or experiment station whose regular duties keep him informed in regard to the most dangerous weeds, and especially in regard to recently introduced plants, which are likely to become troublesome in his State. The technical knowledge of the botanist and the practical knowledge of the farmers on the commission are needed together to decide what ought to be done and what is really practicable. Some of the laws that have been passed, owing to an imperfect knowledge of the weeds of the State, are aimed at comparatively harmless or local plants. Others are defective in vital points, evidently because of a lack of scientific information, and many contain provisions that are impracticable in farming communities.

SEC. 2. Said commission shall meet annually at the seat of government on the first Monday of —— and be in session for a period not exceeding — days; and for such service each commissioner who is not a salaried officer of the State shall be entitled to be paid — dollars a day for each day's actual attendance at the annual session, and mileage at the rate of — cents a mile for his time and expenses in traveling from the place of his abode to the place of holding the session, and the same rate returning therefrom to the place of his abode, to be computed by the usual route of travel. Said compensation and the necessary expenses of the commission for stationery, printing, and postage shall be paid by the State treasurer out of any moneys in the treasury, not otherwise appropriated, upon vouchers issued by the secretary of the commission and approved by the chairman.

SEC. 3. The governor shall when necessary assign a room at the State Capitol for the use of the commission in which to hold its annual sessions. Three commissioners shall constitute a quorum. The State botanist [or similar State officer] shall be custodian of the records, and, when present, be chairman of the commission.

SEC. 4. Said commission, or a majority thereof, shall determine during its first session what species of weeds, not exceeding five in number, are most injurious to the interests of the farming community, and shall prepare a list thereof to be known as Schedule A of this act, which shall state the common and technical names of such weeds and the time or times of year at which they can be most advantageously destroyed, and shall also contain a concise description of the best economical methods for their destruction. And said schedule may thereafter be modified at any annual session of the commission by a majority thereof: *Provided*, That not exceeding the above number of species of weeds shall be included in any annual schedule.

New weeds are being introduced and in some cases old ones are becoming less troublesome. Therefore frequent changes will be found necessary for the best results, and the list should be so arranged that the changes desired can be readily made. When a new weed is introduced it is often important that it be proscribed at once without waiting for the legislature to act. The list may well be limited in length, as less than a score of species are very injurious in any one State during the same term of years, and, if the list is made too long, it will increase the difficulties of enforcing the law and tend to lessen activity against the most important weeds. Both the common and the technical names of the weeds to be destroyed should be given. The technical names are necessary since the common names are not sufficiently definite, one common name often referring to two or more species, or one plant being known by different names in different parts of the same State. It may be necessary to provide legal safeguards for the changes to be made in the list, but the careful judgment of the commission should be interfered with as little as is consistent with constitutional requirements. As different species of weeds produce seeds at different seasons and the same species often matures at different dates in different parts of the same State, it is evidently impossible to specify the best dates for the destruction of all weeds in all parts of the State in the general law. The decision regarding these dates and the publication of the dates determined might well be left to the boards of county commissioners were it not that the duty might be neglected in some cases.

SEC. 5. When at its first session, or at any annual session thereafter, the commission shall have adopted a schedule, or shall have modified one previously adopted,

as above provided for, it shall be the duty of the chairman to have a sufficient number of copies of this act with such schedule annexed printed and distributed by mail in the following manner: one copy to each State, county and township officer, and one copy to each daily and weekly newspaper published within the State; and the schedule so adopted or modified shall be published in the same manner as the public statutes are published.

The thorough advertisement of weed laws will do much to secure their observation. Unlike criminal laws, which apply chiefly to men who have little respect for right and justice aside from the fear of penalty, the weed laws apply usually to men who obey just laws without compulsion by the courts, and in most cases a knowledge of the law will be sufficient warning to enforce its provisions. Copies should be sent to agricultural and other papers for publication so as to disseminate a knowledge of its provisions as widely as possible among the people.

SEC. 6. It shall be the duty of every owner, lessee, or occupier of land in this State, and of every owner, lessee, or occupier of any city, town, or village lot, upon whose land or lot any of the weeds named in the schedule provided for in this act shall be found growing, to destroy the same or cause them to be destroyed at or before the time or times mentioned in said schedule and in the mode therein described, or in such other manner as shall absolutely prevent the ripening and spread of their seed.

In nearly all cases the landowner can do this work at much less cost than it can be done by public authorities, and in arable fields it can usually be done in the ordinary operations of cultivation.

SEC. 7. The board of supervisors in each county in this State shall on the first Monday of — in each year appoint one weed inspector for each township or election district in their county, who shall qualify and hold office until his successor is appointed and qualified. It shall be the duty of each weed inspector to inspect or, upon the approval of the board of supervisors, employ assistants and have inspected all lands or lots within his election district within three days succeeding the expiration of the time or times mentioned in Schedule A for the destruction of weeds; and if any weeds specified in the said schedule are found on any such lands or lots the inspector shall notify the owner thereof in writing to destroy them; and if the weeds are not destroyed within five days after the service of notice the weed inspector shall employ labor, if necessary, and enter the lands and destroy or cause to be destroyed in the most practicable and economical manner [or in the manner prescribed in the schedule] all of the weeds mentioned in said schedule.

In States where an annual inspection of the land is impracticable sections 7 and 8, as found on page 14, may be substituted for the corresponding sections here given. For thickly settled farming communities, and especially for cities and villages, an annual inspection is strongly recommended. In most instances all the land in a township 6 miles square can be inspected sufficiently for the purposes of detecting noxious weeds, by one man, in three days' time. With such an inspection most weeds would be discovered upon their first introduction, when they could be completely eradicated at slight expense. Even the best farmers seldom notice a newly introduced weed until it has produced seeds two or three seasons, and becomes aggressive on their

farms. In cities and in many villages, even in States having weed laws, the weeds on vacant lots are allowed to produce seed year after year with no interference whatever from either lot owners or city officers. The weeds, aside from their unsightliness, do comparatively little direct injury in these places, but some of their seeds are almost certain to be carried to the surrounding country.

SEC. 8. Each weed inspector designated in section 7 shall make an itemized statement, duly verified by oath or affirmation, of the expenses incurred in inspecting each tract of land or lot and for all expenses incurred by him for destroying weeds found thereon, which statement shall contain a description, sufficient for identification at the office of the county assessor, of each tract of land or lot on which such weeds were destroyed under his direction, together with the name of the owner or occupier of said tract of land or lots; and he shall deliver each such statement to the county assessor and a certified copy thereof to the county auditor. He shall also issue vouchers for himself and for each assistant employed in inspecting weeds at the rate of — per day and to each laborer employed in destroying weeds at the rate of — per day for the time actually employed. These vouchers shall be presented to and audited by the county auditor who shall indorse thereon the amount he finds due, and then they shall be returned to the payee named therein or his assigns or legal representatives and paid by the county treasurer out of any moneys not otherwise appropriated, or be receivable for county taxes within the county in which they were issued to the amounts indorsed thereon by the auditor.

The rate of compensation should be sufficient to make it an object for the officer to do the work thoroughly. The manner of making the vouchers or reports may be made to conform to the usage in similar cases. It should, however, be as simple and easy as is consistent with accuracy and clearness. Where numerous affidavits are required, accompanied by copies of full and accurate descriptions of the lands on which the weeds have been destroyed, as provided for in some laws, the cost of making these affidavits and descriptions often exceeds the cost of destroying the weeds and defeats the object of the law.

SEC. 9. The county assessor shall assess as a special tax on each lot or parcel of land on which weeds have been destroyed by the inspectors as above directed, the amount of expenses incurred for inspection and in the destruction of the weeds as set forth on the verified expense statement received from the inspector. Said taxes shall be collected in the same manner and with like penalties as other county taxes are collected: *Provided, however,* That the owner, lessee, or occupier of any land or lot in respect to which any such expense statement has been issued, may deposit the amount payable thereon, with the county treasurer, and in each such case it shall be the duty of the treasurer to receive the same and give notice of the payment to the assessor.

The expenses of destroying weeds should be paid eventually by the land on which the weeds were destroyed. It would evidently be unjust to pay them from the funds raised by the community, and such a method would create a temptation to have one's weeds pulled at public expense. To assess persons with the costs, or to punish by fine or imprisonment, involves litigation and personal difficulties that often cause the law to be inoperative.

SEC. 10. The State Weed Commission shall have power to prepare and issue all necessary printed forms, notices, and instructions tending to secure uniformity in

the appointment of weed inspectors, employment of labor, statements of expenses, and the rendering of reports.

SEC. 11. Each weed inspector shall in December of each year mail to the State botanist a report in the prescribed form stating approximately the number of acres in his district on which weeds of each species mentioned in Schedule A were destroyed under his direction during the preceding part of the year, the total cost of destroying them, and the cost of inspecting the land in his district. The State botanist shall present to the governor on the first Monday of February in each year a report of the proceedings of the commission together with a statement of its expenses and of the total expenses by counties of inspecting land and destroying the weeds thereon during the preceding year and of the total number of acres in each county on which weeds have been destroyed as required by this act. And it shall be the duty of the governor to submit said report to the State legislature, if then in session, or within the first week of its next regular session.

A report such as is here proposed will require comparatively little time in compilation and will aid materially in deciding how much is being done under the law toward the eradication of weeds. It will afford data needed to determine approximately how much the benefits derived from enforcing the law exceed the cost.

SEC. 12. The willful resistance to or wrongful interference with any weed inspector or assistant or laborer employed by any weed inspector, while in the performance of any of the duties in this act prescribed, is hereby declared a misdemeanor punishable by fine not exceeding —— dollars or imprisonment not exceeding —— days, or both, in the discretion of the county court, and the county courts are hereby given jurisdiction of all such offenses.

SEC. 13. The words "owner, lessee, or occupier" wherever used in this act shall include corporations, companies, associations, or agents owning, holding, occupying, or responsible for the use or care of any lot or land within the limits of this State, and they shall be subject to all the provisions of this act in the same manner and with like liabilities as any other owner, lessee, or other occupier of lands or lots, and service of notice upon any agent or officer of any such company, corporation, or association shall constitute service upon said company, corporation, or association.

SEC. 14. It shall be the duty of the highway commissioner or other officer directly responsible for the care of public highways in each township or county in this State to destroy or cause to be destroyed all weeds mentioned in Schedule A on the highways within his district, at or before the times mentioned in said schedule and in such manner as to effectually prevent the production of their seeds. He is hereby directed to warn out labor or employ labor for this purpose in the same manner as for repairs to the highway, and for neglect or failure to perform this work he shall be subject to the same penalties as for the neglect or failure to perform duties pertaining to the repair of highways.

In many localities the weeds growing in highways are destroyed by the owners of abutting property, a practice that is heartily commended. The responsibility of the joint ownership of highways and the danger to adjoining property from roadside weeds, however, are not always sufficiently appreciated, and it is therefore deemed best to delegate this work to some officer who shall be responsible for its proper execution throughout his district. Next to the railroad yards and the waste land in cities and villages, the roadsides are the most important avenues for the introduction of new weeds and for the propagation of old ones. They should, therefore, be watched with especial care.

SEC. 15. The State Weed Commission shall prepare a plan for the eradication of weeds mentioned in Schedule A found growing on lands belonging to the State and also on lands within the State the title of which still remains in the Federal Government, and shall report the same to the governor to be by him transmitted to each branch of the legislature during the first week of the next regular session of the legislature.

In many States there are tracts of land outside of the jurisdiction of county authorities. In some instances land has been taken up, cultivated to some extent, and afterwards abandoned, the title reverting to the State or Federal Government. For complete immunity from future invasion, the weeds growing on these vacant or abandoned lands must be eradicated. The slow-growing and less aggressive perennial weeds would probably not constitute a danger sufficient to warrant the expense of their destruction, but it would certainly be a wise and economic policy to destroy the rapid-spreading annual tumbleweeds found on such lands.

Sections 7 and 8 as here given are offered as substitutes for sections 7 and 8 on pages 11 and 12, for States where an annual inspection of all the lands is regarded as impracticable:

SEC. 7. In case of the neglect or failure of any owner, lessee, or occupier of any land or lot within this State to destroy thereon the weeds mentioned in Schedule A at or before the times mentioned in said schedule, any person owning or having in charge any land or lot within the same township may complain in writing.—stating the names of the weeds, the location of the land, and the name of the owner, to the highway commissioner or street commissioner or other officer having in charge the highways or streets of the township, village, or city within which the weeds complained of are growing. In every such case the complainant shall send with his complaint a written agreement to pay to the said highway commissioner or other officer above designated his reasonable expenses incurred in the inspection of the land complained of on which any of the weeds mentioned in the schedule are not found. Upon receipt of such complaint it shall be the duty of said highway commissioner, street commissioner, or other officer to inspect the lands or lots mentioned in the complaint and if any of the weeds mentioned in Schedule A are found growing thereon he shall notify the owner, lessee, or occupier of the land in writing to destroy them, and if the weeds are not destroyed at the expiration of five days after service of notice, he shall employ such labor as is necessary and enter the lands and destroy in the most practicable and economical manner [or in the manner prescribed in the schedule] all of the weeds mentioned in the schedule that are found growing thereon: *Provided, however,* That in case there is no resident owner, lessee, or agent responsible for the care of the land the service of notice may be omitted.

SEC. 8. Each highway commissioner, or other officer designated in section 7, shall make an itemized statement, duly verified by oath or affirmation, of the expenses incurred in inspecting each tract of land or lot on which weeds mentioned in Schedule A were found growing and of all expenses incurred by him for destroying said weeds, which statement shall contain a description sufficient for identification at the office of the county assessor of each tract of land or lot on which such weeds were destroyed under his direction, together with the name of the owner, lessee, or occupier of said tract of land or lot, and he shall deliver each such statement to the county assessor, and a certified copy thereof to the county auditor. He shall also issue vouchers for himself and for each assistant employed in inspecting weeds, at the rate of — dollars per day, and to each laborer employed in destroying weeds at the rate of — dollars per day, for the time actually employed. These vouchers

shall be presented to and audited by the county auditor who shall indorse thereon the amount he finds due, and then they shall be returned to the payee named therein or his assigns, or legal representatives, and be paid by the county treasurer out of any moneys not otherwise appropriated, or they shall be receivable for county taxes, within the county in which they were issued, to the amounts indorsed thereon by the auditor.

The wild onion, and to a certain extent the nut sedge, horse nettle, and Canada thistle, escape the provisions of this law. The introduced wild onion of the Atlantic Coast region seldom produces seeds, but is propagated and distributed almost exclusively by bulbs and bulblets. In States where the wild onion or similar plants are troublesome the words "or bulblets" should be inserted after "seeds" wherever that term occurs in the law. The bulblets produced on the stalks perform the same office as seeds, and their production could be prevented in the same manner as the production of seeds is prevented. The secondary bulbs produced under ground could not well be included in the law, as their destruction is more difficult. Except in the case of resodding lawns, however, the underground bulbs are of comparatively little importance in distributing weeds to new areas. The nut sedge is distributed to a considerable extent by the tubers, although its seeds are much more abundant and injurious than is usually supposed. The horse nettle, Canada thistle, and many similar plants can retain life in their rootstocks and continue to propagate within restricted areas for many years without being permitted to produce seeds. Plants with rootstocks like these, however, are distributed almost exclusively by their seeds, so that if seed production is prevented the plants will be prevented from spreading. These plants can be eradicated within the limits of any ordinary farm, but to make their removal compulsory would be more heroic treatment than the present sentiment in regard to weeds would be likely to support. It is quite probable, however, that some plan of local option might be devised by which townships devoted to dairying could eradicate the wild onion, and those devoted to gardening could eradicate the nut sedge.

Provisions prohibiting the introduction of weed seeds in hay, straw, and packing would be beneficial if there were any practicable way of enforcing them. The nature of these articles seems to preclude the inspection necessary to detect the presence of seeds. Legislation against the sale of weed seeds mixed with commercial seeds is of prime importance for preventing the introduction and spread of weeds, but provisions of this kind more naturally belong to laws regulating the purity of seeds.

STATE WEED LAWS NOW IN FORCE.

ARIZONA.

COCKLEBURS AND SUNFLOWERS.

SECTION 1. That all owners or operators of irrigating canals be required to remove from the banks of their canals all cockleburs and sunflowers growing thereon and remove the same before they ripen and mature their seed, and all irrigating canal owners or operators who shall fail to remove the same from the banks of their canals or irrigating ditches, shall be deemed guilty of a misdemeanor, and shall be fined upon conviction for the first offense the sum of ten dollars (\$10) and for the second offense the sum of fifty dollars (\$50) and for the third offense the sum of one hundred dollars (\$100) and costs, and for all subsequent offenses the sum of one hundred dollars (\$100) and costs, all such fines to be paid into the public school fund.

SEC. 2. This act to take effect in sixty days from the date of its passage.

Approved April 3, 1893.

(Laws of Arizona, 1893, No. 33.)

CALIFORNIA.

CANADA THISTLE.

AN ACT to prevent the propagation of the Scotch or Canada thistle in the counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda.

SECTION 1. It shall be unlawful for any person owning or possessing land in the counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda to permit the Scotch or Canada thistle to mature and disseminate its seed on land so owned or possessed by such person.

SEC. 2. It shall be unlawful for any person to knowingly sow or disseminate any seed of the Scotch or Canada thistle upon any land owned or possessed by another.

SEC. 3. Any person upon being duly convicted of a violation of either of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and may be fined in any sum not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding three months.

SEC. 4. Any person who shall sell or in any way dispose of the Scotch or Canada thistle to another, whether in the packing of goods, or in grain, or grass seeds, or otherwise, shall be liable to such person for all damages which may accrue to him by reason thereof, to be recovered by action in any court of competent jurisdiction.

SEC. 5. Any road overseer in the county of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda, who shall permit any seed of the Scotch or Canada thistle to mature within the boundary of any highway within his district, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding one hundred dollars. All fines collected under this act shall be paid into the county treasury for the benefit of the common school fund.

SEC. 6. The provisions of this act shall apply only to the counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda.

Approved March 2, 1872.

(Annotated Codes and Statutes of California, Deering, 1885, p. 723.)

SHADE TREES AND WEEDS.

AN ACT to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits.

SECTION 11. The city council of every municipality has jurisdiction of the hedges, * * * They may also condemn, as public nuisances, any or all weeds whose seeds are of a winged or downy nature, and are spread by the winds, and may compel the eradication of such weeds by the owners of the lots whereon they grow, or at their expense.

SEC. 13. This Act shall only apply to such municipalities as shall by vote of the electors residing therein determine to come within its provisions.

Approved March 11, 1893.

(Statutes and Amendments to the Codes of California, 1893, p. 153.)

CONNECTICUT.

CANADA THISTLES AND WILD CARROTS.

SECTION 1558. Every person who shall knowingly vend any grass seed in which there is any seed of the Canada thistle shall be fined ten dollars.

(General Statutes of Connecticut, 1888, p. 347. In force in 1821.)

SEC. 1574. Every owner or possessor of lands shall cut down all wild carrots and Canada thistles growing thereon, or in the highway adjoining, so often as to prevent their going to seed; and upon failure to do so, any person aggrieved, or any citizen of the town wherein the lands are situated, may complain to any grand juror of said town, who shall thereupon forthwith notify such owner or possessor of such complaint and said grand juror shall be paid for such service from the treasury of the town ten cents for each mile of travel in giving such notice. And if said owner or possessor shall still neglect to comply with the provision of this section, he shall be fined not more than five dollars, nor less than one dollar, for each and every day of such neglect after said notice. And the expense of the grand juror who served the notice shall be included in the costs of the prosecution.

SEC. 1575. City and police courts shall have jurisdiction over the preceding section occurring within the territorial limits over which such courts exercise jurisdiction. And complaints may be made to the judge of any court, who shall forthwith issue the notice therein prescribed, to be served by a proper officer; and the fee for serving the same shall be ten cents for each mile of travel, payable by the city instead of the town, but, when followed by prosecution, to be included in and payable as part of the costs.

It shall be the duty of officers authorized to prosecute in said courts to prosecute all violations of said section within their jurisdiction.

(General Statutes of Connecticut, 1888, pp. 349-350. In force in 1821.)

DELAWARE.

CANADA THISTLES.

CHAPTER 687.—An act to prevent the spread of Canada thistles.

Be it enacted by the senate and house of representatives of the State of Delaware in general assembly met :

SECTION 1. That it shall be the duty of every owner, tenant, and occupier of land in this State to cut down, or cause to be cut down, all the Canada thistles growing thereon, so after¹ in each and every year as shall be sufficient to prevent them from going to seed. If any such owner, tenant, or occupier of land shall knowingly suffer any such Canada thistles to grow thereon, and the seed to ripen so as to cause or

¹ So enrolled, for "so often."

endanger the spread thereof, he shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this State shall be fined not exceeding five dollars.

SEC. 2. That it shall be the duty of such overseer of roads in this State to cut down, all the Canada thistles growing on the road or highway over which he has charge or supervision, so after¹ in each and every year as shall be sufficient to prevent them going to seed. If any such overseer of roads shall knowingly suffer such Canada thistles to grow on the road or highway over which he has charge or supervision, and the seed to ripen, so as to cause or endanger the spread thereof, he shall be deemed guilty of a common nuisance and upon conviction thereof before any justice of the peace in this State shall be fined not exceeding five dollars.

SEC. 3. That the justice of the peace in this State shall have jurisdiction of all offenses against the provisions of this act, and upon affidavit made that a person has violated any of the provisions of this act, it shall be the duty of any justice of the peace in the county in which the offense was committed, forthwith to issue his warrant directed to the sheriff, or in his absence to any constable, commanding him to arrest the person so charged and to bring him forthwith before such justices for trial.

SEC. 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1889.

(Laws of Delaware 1889, p. 951.)

ILLINOIS.

CANADA THISTLES.

CHAPTER 18.—An act concerning Canada thistles.

Be it enacted by the People of the State of Illinois, represented in the general assembly:

SECTION 1. That there may be appointed by the board of town auditors in counties under township organization, and by the county commissioners in counties not under township organization, for each township or election precinct, and by the city council of any city, or by the president and trustees of any town or village, as the case may be, some competent person, to be styled "commissioner of Canada thistles," who shall take the oath required of township or precinct officers, and shall hold his office for the term of three years, and until his successor is appointed and qualified; and he shall receive for his compensation the sum of two dollars a day, for each full day necessarily spent in the performance of his duty, to be verified by affidavit. The board of appointment may, at any time, for good cause, remove the commissioner from office, and appoint his successor, to serve the remaining portion of his time.

SEC. 2. The commissioner of Canada thistles shall diligently inquire concerning the introduction and existence of Canada thistles in his township or precinct, and if any are found growing therein he shall take charge of all such growing in the highway and on uninclosed lands, and take care that they do not go to seed, or otherwise spread; and he shall carefully seek and learn, so far as practicable, the best methods for their destruction, and he shall persistently apply, in proper time such remedy as he shall deem best calculated to prevent their spread and eradicate the same.

SEC. 3. In case said thistles are found growing on enclosed lands, the commissioner shall advise the owner, agent or occupant, on their treatment, and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant on the boundaries of the tract so infested, which it is expedient for him to control, and he shall mark the same by stakes, or by fence if thought best; and thereafter such infected tract, or so much as from time to time remains infected shall be managed and controlled by the said commissioner, for the purpose of destroying said thistles, and so long as it may be

¹ So enrolled, for "so often."

necessary to complete the work. In case the commissioner and the owner, agent or occupant of said land can not agree as regards the propriety of the commissioner controlling such tract or the boundaries of the same, then the commissioner shall proceed to stake out or mark such boundaries, as he shall deem proper, and file a copy of his decision with the town clerk, or in counties not under township organization, with the county clerk. The owner, agent or occupant of the land may, if he feels aggrieved, appeal from such decision of the commissioner without bonds, within twenty days, to the commissioner of highways of the town, or to the county commissioners, as the case may be, who shall proceed to view the same, and to hear the reasons for and against the decision of the commissioner, and a majority of such board of appeal shall decide as to the propriety of the tract alleged to be infected, and if they decide to take such possession, what shall constitute the boundaries of the same, and shall direct said commissioner to exterminate said thistles, (which are hereby declared a public nuisance) without unnecessarily depriving the owner of the land of any legitimate use and enjoyment of the same, and the owner or occupant of said land shall pay all cost and expense of labor for said examination, which shall not exceed the sum of one hundred dollars, for such infected tract in one year, without the consent of the supervisor of said town or county commissioners, as the case may be, and that the sum so expended shall be a lien upon said tract so infected, and if the owner or occupant shall not pay the same to said commissioner on or before the first Monday of September of the year the work was performed by the commissioner on said contract, the commissioner shall report the same to the board of town auditors, in towns under township organization, or county commissioners, as the case may be, and certify to the same, and that said board of town auditors or county commissioners shall certify to the county clerk the amount so due on each tract, and it shall be the duty of the county clerk to cause the amount so returned to be levied on the lands as certified by said board of auditors or commissioners, as the case may be, and that said amount so certified shall be collected in the same manner that taxes of the county are levied and collected, and the same when collected to be paid over to the supervisor of the town or towns under township organizations, or to the county commissioner as the case may be, who shall pay the same out on the order of the commissioner to the parties entitled to the same, for the labor employed in destroying the thistles on each tract for which the money was so collected.

SEC. 4. The commissioner shall apply the best known means, and use the utmost diligence, in eradicating the thistles; but he shall not have power to expend in work or materials more than one hundred dollars, on any one infected tract, without the advice and consent in writing, of the supervisor of the town, or of the county commissioners, as the case may be.

SEC. 5. It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the subject of Canada thistles.

SEC. 6. The commissioner shall annually, before the first day of November, make a written report to the supervisor of the town, or to the county commissioners, as the case may be,—which report shall be filed with the town clerk, or, in counties not under township organization, with the county clerk. The report made to the supervisor shall be publicly read at the annual town meeting. Said report shall state,—

First. Whether there are or are not any Canada thistles growing in the town or precinct.

Second. If any are growing, where and how many, and when and how introduced.

Third. A detailed statement of his treatment of each infected tract, with cost and result.

Fourth. He shall report such other matters as may be required of him by the board of town auditors, or by the county commissioners.

Fifth. He shall state his views on their further treatment, and make such suggestions and recommendations as he may deem proper and useful.

And he shall also forward a copy of said report to the secretary of the State board of agriculture, who shall collate and report the same to the governor by the first day of December of each year.

SEC. 7. The board of town auditors, and the county commissioners in counties not under township organization, shall audit the accounts of the commissioner, both for his services and for the money expended or labor employed by him; and they shall provide for their payment as they now do for other town or county expenses.

SEC. 8. The boards of supervisors and county commissioners may make appropriation from the county treasury to aid in destroying the Canada thistles in the county, and make such provision as they may deem necessary, and impose penalties, not exceeding one hundred dollars for each offense, for a violation of any provisions, by-laws, or regulations made by them on this subject, to be sued for by the commissioner in the name and for the use of the proper county, before any justice of the peace having proper jurisdiction. Whenever the board of supervisors or county commissioners shall decide to assume control, and so long as they exercise it, their jurisdiction shall be superior to that of the commissioner.

SEC. 8½. And it is hereby made the duty of county boards in counties under township organization, where town auditors have failed or refused to appoint a commissioner of Canada thistles; upon the petition of twenty-five land owners, of said town or adjoining town or towns, stating the failure of said board of auditors to appoint a commissioner for said town, and of the necessity for the same; to appoint a commissioner for said town, (who shall be a resident of said town), who shall hold his office for the same length of time, as if appointed by the board of auditors, and shall receive the same compensation, and said compensation shall be audited and allowed, and paid by the township by which he was appointed, the same as if he had been appointed by the board of auditors of said town; and his duties shall be the same, and the board of town auditors or county board may appoint so many assistant commissioners as they may deem necessary to thoroughly perform the duties in any town; which assistants shall receive the same compensation for like services, as the commissioner, and whose duties shall be the same, and the commissioner of Canada thistles or assistants refusing or neglecting to perform their respective duties shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense, such fine to be sued for in any court of competent jurisdiction in the name of the town on complaint of any land owners of the town; said fine when collected to be paid to the supervisor or county commissioner and become a part of the town or precinct fund.

SEC. 9. Whereas Canada thistles are growing in various parts of the State, requiring attention before the first day of July; therefore this act shall take effect and be in force from and after its passage.

Approved March 15, 1872.

(Laws 1871-72, p. 210. Revised Statutes, Illinois, Hurd, 1893, pp. 203-206.)

CHAPTER 38.

SECTION 40. Whoever shall bring into this State, whether in the packing of goods, or in grain or grass seed, or otherwise, any seed of the Canada thistle, and permit the same to be disseminated so as to vegetate on any land in this State, and whoever shall permit any Canada thistle to mature its seed on any land owned or occupied by him, so that the same is or may be disseminated, shall be fined not less than \$10 nor more than \$100; the fine to be paid to the commissioners of Canada thistles if any is appointed in the town, precinct, city or village, or otherwise as directed by law.

Approved February 28, 1867.

(Laws 1867, p. 79.)

SEC. 41. If any company, association or person owning, controlling or operating a railroad shall refuse or neglect to dig up and destroy, or take other certain means of exterminating Canada thistles and other noxious weeds that may at any time be

growing upon the right-of-way or other lands of such roads, or appertaining thereto, they shall be fined for each offense not less than \$50 nor more than \$200; the fine to be paid as in the preceding section.

Approved March 5, 1869.

(Laws 1869, p. 326.)

DESTRUCTION OF NOXIOUS WEEDS.

CHAPTER 121.

Be it enacted by the people of the State of Illinois, represented in the general assembly:

SECTION 125. The commissioners of highways in their respective towns, shall be required to destroy, or cause to be destroyed, all cocklebur weeds or plants, before coming to maturity, that may be or grow in the highways of such town.

SEC. 126. The commissioners of highways, failing to comply with the provisions and requirements of section one of this Act, shall be liable to a fine of not less than five nor more than twenty-five dollars for such offense, to be recovered in any proper form of action, before any justice of the peace in the county where the offense was committed, such fine when collected, to be paid to the treasurer of the highway commissioners in the town where the offense was committed, to be used as road money in such town.

(Revised Statutes, Illinois, Hurd, 1893, p. 1254.)

CHAPTER 121.

SECTION 137. It is hereby declared unlawful for any land owner, renter, or other person to deposit in a public road, weeds, trash, garbage or any offensive matter, and any person so offending, shall be liable to a penalty of not less than three dollars, nor more than ten dollars; but this shall not apply where proper deposits are made in good faith and in proper manner to repair the roads.

Approved May 4, 1887.

(Laws 1887, p. 268.)

CHAPTER 139.

SECTION 40. The electors present at the annual town meetings shall have power—5. To prevent the introduction, growing or dissemination of Canada thistles or noxious weeds, and to allow rewards for their destruction, and to raise money therefor.

Approved February 29, 1861.

(Laws 1867, p. 221.)

INDIANA.

CANADA THISTLES.

Be it enacted by the general assembly of the State of Indiana:

SECTION 1. That section two hundred and thirteen of said Act be amended to read as follows, to-wit: *Section 213.* Any person or persons who shall knowingly allow Canada thistles to grow and mature upon his, her, or their land, or upon any land which they may have under their charge, and every supervisor of roads who shall knowingly allow Canada thistles to grow and mature in any public highway over which said supervisor has supervision, and every roadmaster of any railroad who shall knowingly allow Canada thistles to grow and mature on the lands held, owned or used by said company as depot or station grounds, or as a right-of-way for that part of the road so owned, held or used by said railroad company over which such roadmaster has supervision, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined, for the first offense, in the sum of not less than five nor more than twenty dollars, and for the second and each subsequent offense shall, upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars.

Approved April 2, 1885.

(Acts Indiana, 1885, p. 115.)

SECTION 7588. That all railroad corporations doing business in the State shall, between the first day of July and the twentieth day of August in each year, cause all thistles, burs, docks, and other noxious weeds growing upon lands occupied by them in any city, village or township in this State, to be cut down and destroyed.

SEC. 7589. In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, such company shall be liable in a penalty of twenty-five dollars, to be prosecuted for inaction of debt, by any person feeling himself aggrieved. Said suit may be brought before any justice of the peace in the county, who shall require of the complainant surety to pay costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company.

Approved March 6, 1889.

(Laws, 1889, p. 146. Revised Statutes, Indiana, E. B. Meyers & Company, 1892, p. 441.)

IOWA.

CANADA THISTLES.

SECTION 1509. The supervisor of highways, when notified in writing that any Canada thistles (or *Cnicus lanceolatus*¹) are growing upon any vacant lot or non-resident lands or lots within his district, the owner, agent, or lessee of which is unknown, shall cause the same to be destroyed and make return in writing to the board of supervisors of his county, with a bill for his expenses or charges therefor, which shall be audited and allowed by said board and paid from the county fund; and the amount so paid shall be entered up and levied against the lands or lots on which said thistles have been destroyed, and collected by the county treasurer the same as other taxes and returned to the county fund.

(McLain's Annotated Code of Iowa, Statutes supplement, 1888-1892, p. 75.)

SEC. 5422. If any person or corporation, after having been notified in writing of the presence of Canada thistles (or *Cnicus lanceolatus*¹), on any lands owned or occupied by such person or corporation; or if any highway supervisor after having been notified in writing of the presence of any such thistles on the highway under his jurisdiction, shall permit such thistles or any part thereof to blossom or mature, such person, corporation, or highway supervisor, shall be deemed guilty of a misdemeanor and be punished accordingly.

Approved April 7, 1892.

(Laws, 1892, p. 71. McLain's Annotated Code of Iowa. Statutes Supplement, 1888-1892, p. 308.)

AN ACT for the suppression of the Russian thistle or saltwort (*Salsoli Kali*, variety *Tragus*²).

Be it enacted by the general assembly of the State of Iowa:

SECTION 1. That it shall be unlawful for any land owner or occupant of lands or lots or corporation or association of persons, owning, occupying or controlling land as right-of-way, depot or grounds, or for any other purpose, or any public officer in charge of any street or highway, to allow to grow to maturity thereon the Russian thistle or saltwort, *Salsoli kali*, variety *tragus*.²

SEC. 2. That it shall be the duty of every person or corporation so owning, occupying, or controlling lands, lots or other real property, or any highway supervisor or other public officer having charge of any street or highway, to cut and burn or otherwise entirely destroy any Russian thistles growing on said premises, right-of-way, highway or street, between the 1st and 15th days of September of each year, and any person, corporation or public officer neglecting to destroy all such Russian thistles between such dates, after notice of their presence in writing, to said person

¹ The true Canada thistle is *Carduus arvensis*.

² *Salsola kali tragus*.

or corporation or officer, or to an agent of any said person or corporation, by any person, shall be deemed guilty of a misdemeanor, and be punished accordingly.

SEC. 3. That it shall be the duty of all persons knowing of the presence of Russian thistles upon any premises, lands, lots, streets or highways or elsewhere at any time, to give notice in writing to the owner, occupant, or person or corporation in control, or their agent, and if not destroyed by the owner or occupants to give notice immediately after the 15th day of September of that year to the chairman of the township board of trustees, or if within an incorporated town or city, then to the mayor, who shall before the 20th day of said month of September cause the same to be cut and burned or otherwise entirely destroyed. The reasonable cost of destroying said thistles shall be paid out of the general county fund on the certificate of the board of township trustees, or city or town council, of the amount of the same, by the county board of supervisors. The said board of supervisors shall cause the amount so paid to be levied as a special tax against the premises on which said thistles have been destroyed and against the persons or corporation owning the premises, and the county treasurer shall collect the same as any other taxes and return it to the county fund.

SEC. 4. That a bulletin shall be prepared by the professor of agriculture of the State Agricultural College, briefly describing by words and cuts the Russian thistle, with the best known means of staying its progress and effecting its extermination. Said bulletin shall be printed by the State printer at public expense, from time to time, in such numbers as the secretary of state and said professor of agriculture may deem necessary to supply the demand. A sum of money sufficient to pay for the cost of printing and making of suitable plates for illustrating said bulletin is hereby appropriated from any funds in the State treasury not otherwise previously appropriated.

SEC. 5. The secretary of state shall furnish to the agricultural college such a number of said bulletins as it may desire to circulate, and also to county auditors on their requisition, in such numbers as may be necessary to supply all township and town or city officers with copies and a sufficient number to distribute to all farmers desiring the same.

SEC. 6. This act being deemed of immediate importance shall take effect and be in force from and after publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and in the Lyon County Reporter, a newspaper published at Rock Rapids, Iowa.

(In force in 1893.)

KANSAS.

OBNOXIOUS WEEDS.

Be it enacted by the legislature of Kansas:

SECTION 5517. It shall be the duty of the road overseers of the several counties of the State to remove, or cause to be removed, at least once each year, between the fifteenth day of June and the fifteenth day of July, in the public highways, all cockleburs, Rocky Mountain sand burs, burdocks, sunflower, Canada thistles, and such other obnoxious weeds as may be injurious to the best interests of the farming community.

SEC. 5519. The road overseers in the several counties in this State are hereby directed to carry section one of this act into effect under the provisions of chapter one hundred and eight (108) of the Session Laws of eighteen hundred and seventy four.

This law shall take effect and be in force from and after its publication in the official state paper.

Approved March 8, 1883.

(Laws 1883, p. 224.)

RUSSIAN THISTLE LAW.

AN ACT to provide for the destruction of noxious weeds, and to provide penalties for the violation thereof.

Be it enacted by the legislature of the State of Kansas:

SECTION 1. Every person and every corporation shall destroy, on all lands which he or it may own or occupy, all weeds of the kind known as Russian thistle and Canada thistle, at such time as the board of county commissioners may direct, and notice shall be published in one or more county papers for a time not less than three weeks before the time fixed upon for the destruction of said noxious weeds.

SEC. 2. It shall be the duty of the county commissioners to fix the time for the destruction of all such noxious weeds, and to provide for the destruction in such a manner as to prevent their bearing seed.

SEC. 3. Every overseer of highway of every township or county shall also, at the same time in like manner, destroy all such noxious weeds, either on the highways of his road district, railroad right-of-way, or on any other unoccupied land therein, upon which the owner or lessee thereof shall neglect or refuse to do so; and for such service overseers of highways, or persons employed by him, shall receive as compensation the sum of \$1.50 per day, or \$3 per day for man and team, to be paid out of the general county fund: *Provided*, The limitation of time, as provided in paragraph 5506 of section 33, Laws of 1889, in relation to road overseers, shall not apply to the provisions of this act.

SEC. 4. It shall be the duty of overseers of highways to present to the board of county commissioners an itemized account, verified under oath, showing description of each piece of land upon which noxious weeds have been destroyed, in accordance with the provisions of this act and the amounts of the charge for such service, by separate items; and said amounts shall become a lien against the lands so described, except in case of the destruction of such noxious weeds on the public highways. The amount of cost of the destruction of such noxious weeds as so certified, shall be placed upon the next tax list in a separate column, headed, "For the destruction of noxious weeds," as a tax against the land upon which such weeds were destroyed, subject to all the penalties thereof, and to be collected as other taxes, and the entry of such tax upon the tax list shall be conclusive evidence of the liability of such land to such tax.

SEC. 5. It shall be the duty of all overseers of highways to certify to the county clerk in an itemized account, verified by oath, the amount of labor performed in destroying such noxious weeds on all lands not public highway, on or before the fifteenth day of September in each year.

SEC. 6. Any railroad company which shall be notified by any road overseer or township trustee, in writing, through its agent, section foreman or road master, that the noxious weeds, referred to in this act, are growing upon the said company's right-of-way or other lands, which writing shall designate the location of said growing weeds, then the said company shall forthwith destroy the same, and failure so to do, shall subject said company to the penalties imposed by section 8 of this act. And in case of such notice having been served upon any railroad company, and 10 days having elapsed without the destruction of said noxious weeds, then it shall be the duty of the road overseer within whose district said right-of-way or other lands may be upon which said noxious weeds are growing, to proceed to enter upon said right-of-way, or land, as the case may be, and destroy the noxious weeds there growing. And for such service he shall be allowed \$1.50 per day and the same shall be paid out of the county fund, and taxed against such offending corporation or corporations. The amount of such tax shall be added by the county clerk to the railroad company or corporation on the tax roll against such company or corporation, and collected as other taxes are collected against such company.

SEC. 7. It shall be the duty of the county clerk to enter upon the tax list, in a separate column for that purpose, headed, "For the destruction of noxious weeds."

an amount equal to the cost of such labor as a tax against all lands not public highways, upon which such noxious weeds are destroyed

SEC. 8. If the owner or occupant of any such lands or the overseer of any highway, or the board of county commissioners in any county of this state shall fail to comply with any of the requirements of this act, they shall be guilty of a misdemeanor: *Provided*, If any county attorney shall fail or refuse to prosecute, then the court in which the complaint was brought or pending may appoint some reputable practicing attorney to conduct such prosecution, who shall, in such event, receive the fees provided for in such cases.

SEC. 9. The county attorney shall be liable under his bond for any failure to comply with the provisions of this act.

SEC. 10. Notices to the owner of the land provided to be given under the provisions of this act shall be made in the same manner as summons in the district court.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its publication in the official state paper.

Approved by the governor March 6, 1895.

(Published April 19, 1895. Laws of Kansas for 1895, pp. 529-531.)

KENTUCKY.

CONTROLLING WEEDS.

CHAPTER 13.—Act December 3, 1892.

SECTION 200. It shall be the duty of every person or persons, and of every corporation holding lands in this Commonwealth, either by lease or otherwise, on which any Canada thistles or weeds commonly known as Canada thistles, may be growing, to cut the same, so as to prevent such weeds or thistles from going to seed and the seed of the same from ripening. Any person or persons, or corporation as aforesaid, who shall knowingly neglect or refuse to comply with the provisions of this act, shall forfeit and pay a fine of five dollars, recoverable before any justice of the peace, or by indictment in the circuit courts of the State.

SEC. 201. If any person or persons, or corporation, so holding land as aforesaid on which Canada thistles or the weeds commonly known as such, shall be growing and likely to ripen seed thereon, shall knowingly neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening, it shall and may be lawful for any person or persons, who may consider themselves aggrieved or about to be injured by such neglect or refusal, to give five days' notice in writing to such person or persons, or corporation, to cut and destroy such weeds or thistles, and on their neglect or refusal to cut and destroy the same at the end of five days, it shall and may be lawful for any person or persons aggrieved, or believing themselves about to be injured thereby, to enter upon such lands or premises, and cut down and destroy such Canada thistles. And the persons so employed shall be entitled to recover from such person or persons, or corporation, owning or holding such lands, compensation at the rate of one dollar per day, to be recovered as debt of like amount in any court of this Commonwealth of competent jurisdiction.

Approved Dec. 3, 1892.

(Acts, 1892, p. 389. The Kentucky Statutes, 1894, p. 229.)

MARYLAND.

CANADA THISTLE.

CHAPTER 79.

Be it enacted by the general assembly of Maryland:

SECTION 1. That chapter seventy-three of the acts of eighteen hundred and eighty-two entitled an act to add additional sections to the code of Public Local Laws

article entitled Garrett County as enacted by the act of eighteen hundred and seventy-eight, said section to be sub-titled "Thistles" and to come in after subsection seventy-five in said act, and to be numbered 75 A, 75 B, and 75 C, be and the same is hereby repealed and re-enacted so as to read as follows:

75 A. No land owner or tenant of any land owner in Garrett County shall permit any "Canada thistles" to go to seed upon the land owned or rented by him, as the case may be.

75 B. If any such land owner or tenant shall permit any Canada thistles to grow to seed, on the land owned or rented by him he shall be fined a sum of not less than one nor more than five dollars every day he shall permit the same to remain standing on his land after the same shall have developed or grown to bear seed, such a fine or fines to be recovered before any justice of the peace in said county, as other small fines are now recovered, and the proceeds of such fine or fines to be paid to the county commissioners of Garrett County for the use of said county.

75 C. No road supervisor in said county shall permit any Canada thistles to grow to seed upon any land belonging to any public roads in said county adjoining or being part of any road under his charge, and if any supervisor shall permit the same he shall be liable to the fine provided in sub-section seventy-five B, hereof to be recovered for the use of said county as provided in said last preceding section.

Approved March 10, 1892.

(Laws of Maryland, 1892, p. 128.)

MICHIGAN.

DUTIES OF SUPERVISORS.

SECTION 11. The said several boards of supervisors shall have power and they are hereby authorized, at any meeting thereof, lawfully held—

Thirteenth. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of wild beasts, of thistles, and other noxious weeds within the several counties.

(Howell's Annotated Statutes, Michigan, 1882, p. 201.)

HIGHWAYS.

SECTION 8. Every overseer shall cause the noxious weeds within the limits of the highways within his district to be cut down and destroyed twice in each year, once before the first day of July, and again before the first day of September, and the requisite labor shall be considered highway work: and once in every month, from the first day of April to the first day of December shall cause all the loose stones lying on the beaten track of every road within his district to be removed. Any overseer who shall refuse or neglect to perform the duties required by this section shall be liable to a penalty of twenty-five dollars.

(Howell's Annotated Statutes, Michigan, 1882, p. 414.)

CHAPTER 67.

PROTECTION AGAINST THE SPREAD OF CANADA THISTLES.

The people of the State of Michigan enact:

SECTION 1. That it shall be the duty of every owner, possessor, or occupier of land, to cut, or cause to be cut down, all the Canada thistles growing thereon, or on the highway passing through or by the same, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor or occupier of land shall, knowingly, suffer any Canada thistles to grow thereon, and the seed to ripen, so as to cause or endanger the spread thereof, he shall, upon conviction, be liable to a fine of ten dollars for every such offense.

SEC. 2. It shall be the duty of the overseer of highways in any township to see that the provisions of this act shall be carried out within their respective highway

districts, and they shall give notice to the owner, possessor, or occupier of any land within said district whereon Canada thistles may be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, possessor or occupier shall refuse or neglect to cut down the said Canada thistles, the overseer of highways shall enter upon the land and cause all such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in any action of trespass therefor: *Provided*, That when such Canada thistles are growing upon non-resident lands it shall not be necessary to give notice before proceeding to cut down the same.

SEC. 3. Each overseer of highways shall keep an accurate account of the expenses incurred by him in carrying out the provisions of the preceding section of this act with respect to each parcel of land entered upon therefor, and shall offer a statement of such expense, describing by its legal description the land entered upon, and verified by oath to the owner, possessor, or occupier of such resident lands requiring him to pay the amount; in case such owner, possessor, or occupier shall refuse or neglect to pay the same within thirty days after such application, said claim shall be presented to the township board of the township in which such expense was incurred, and said township board is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township out of any moneys in the township treasury not otherwise appropriated, the said overseer of highways shall also present to the said township board a similar statement of the expenses incurred by him in carrying out the provisions of said section upon non-resident land, and the said township board is hereby authorized and required to audit and allow the same in like manner.

SEC. 4. The supervisor of the township shall cause all such expenditures as have been so paid from the township treasury under the provisions of this act, to be severally levied on the lands so described in the statement of the overseer of highways and to be collected in the same manner as delinquent highway taxes are collected, and the same when collected shall be paid into the township treasury to reimburse the outlay therefrom aforesaid.

SEC. 5. Any person who shall knowingly vend any grass or other seed, among which there is any seed of Canada thistle, shall, for every such offence, upon conviction, be liable to a fine of twenty dollars.

SEC. 6. It shall be the duty of the prosecuting attorney of the county to prosecute all violations of the provisions of this act which shall come to his knowledge.

SEC. 7. Every overseer of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act shall be liable to a fine of twenty-five dollars: *Provided*, That the provisions of this act shall be published in pamphlet form and ten copies thereof forwarded to the supervisor of each township in this State.

(Howell's Annotated Statutes, Michigan, 1882, pp. 589-590.)

RAILROAD CORPORATIONS TO DESTROY WEEDS.

The people of the State of Michigan enact:

SECTION 1. That all railroad corporations doing business in this State shall, each year, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August, and the first day of September, cause all noxious weeds growing upon lands occupied by them in any city, village, or organized township in this State, to be cut down and destroyed.

SEC. 2. In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer to cut said noxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September inclusive, in each year, at the expense of the corporation on whose lands said noxious weeds shall be

so cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

Approved March 27, 1891.

(Public Acts, Michigan, 1891, p. 15.)

PUBLIC ACT NO. 160.

GRAVEL AND PLANK ROAD COMPANIES TO DESTROY WEEDS.

The people of the State of Michigan enact:

SECTION 1. That all gravel or plank road companies doing business in this State shall, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September in each year, cause all noxious weeds growing on the lands occupied by them in any village or organized township of this State, to be cut down and destroyed.

SEC. 2. In case any gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, it shall be liable in a penalty of twenty-five dollars, to be prosecuted for in action of debt by any person feeling himself aggrieved. Said suit may be brought before any justice of the peace of the county who shall require of the complainant surety to pay the costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company.

SEC. 3. In case any such gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer or commissioner to cut or cause to be cut said noxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year at the expense of the corporation on whose lands said noxious weeds shall be cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

This act is ordered to take immediate effect.

Approved June 24, 1891.

(Public Acts, Michigan, 1891, pp. 201-202.)

PREVENTION OF THE SPREAD OF MILKWEED.

The people of the State of Michigan enact:

SECTION 1. That it shall be the duty of every owner, occupant or person having charge of lands in this State to cut down, or cause to be cut down, all milkweed, *asclepias cornutus*,¹ growing thereon, or on land between the center of any highway and said lands, or in any highway passing through the same, in each and every year so often as shall be sufficient to prevent said milkweed going to seed; and if any owner, occupant or person having charge of such lands shall knowingly suffer any such milkweed to grow thereon, and the same to ripen so as to cause or endanger the spreading thereof he shall, on conviction, be punished by a fine of ten dollars, together with the cost of prosecution, and in default of payment of the same imprisoned in the county jail of the county where the land is situated, for a period not exceeding twenty days.

SEC. 2. When any overseer of highways shall have knowledge or information that milkweed is growing upon any lands in his highway district, contrary to the provisions of this act, he shall see to it that the provisions of this act are carried out within his highway district, and he shall give a written notice to the owner, occupant or person having charge of such lands, describing the same by their legal subdivisions within his highway district whereon milkweed shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, occupant or person

¹ *Asclepias syriaca*.

having charge of said lands shall refuse or neglect to cut or cause to be cut down the said milkweed, the overseer of highways shall enter upon the land where said milkweed is growing and cause all such milkweed to be cut down and destroyed, doing as little damage as may be while in the performance of such duty, and the said overseer of highways shall not be liable for so entering upon said lands for the purpose of performing such duty except for any actual damage to the crops growing thereon which shall result from his willful and unlawful act or gross negligence: *Provided*, That when such milkweed is found growing upon non-resident lands and no one to the knowledge or information of said overseer of highways shall have charge thereof it shall not be necessary to give notice before proceeding to cut down such milkweed.

SEC. 3. Each overseer of highways shall keep an accurate account of the expenses incurred and time employed by him in carrying out the provisions of section two of this act with respect to each parcel of land so entered upon, and for the time so employed he shall be entitled to charge at the rate of one dollar and fifty cents per day and seventy-five cents for each half day by him actually and necessarily employed while performing said duty, and when said duty shall have been performed in the destruction of milkweed growing on resident lands, or on lands in the charge of any person known to said overseer of highways he shall present a statement duly verified of such charges, describing the land whereon the same were incurred by its legal description, to the owner, occupant or custodian, and demand of him payment therefor. When any overseer of highways shall incur any expense or employ any time in the destruction of milkweed found growing on non-resident lands as provided in section two of this act, he shall make out a complete statement showing such expenses and time employed, and for which time employed he may charge at the same rate as for duties performed relative to resident lands, and shall file such statement with the township clerk as hereinafter provided.

SEC. 4. In case the owner, occupant or custodian of any lands shall neglect or refuse for the space of thirty days to pay the charges of such overseer as specified in section three of this act, it shall be the duty of said overseer of highways to file such statement of charges with the township clerk of the township wherein such charges were incurred five days before the last Saturday of September of each year, and he shall also file within the same time with the said township clerk the aforesaid statement of charges incurred relative to all non-resident lands in his highway district. On the said last Saturday of September it shall be the duty of the township boards of the several townships of this State, with township clerk of which any statement of charges provided for in this act shall have been filed, to meet at the township clerk's office at the hour of ten o'clock in the forenoon for the purpose of auditing and allowing such charges. Said meeting shall be called by the township clerk by written notice served on each member of the board three days before the date fixed for said meeting. When such meeting of said township board shall have been called by the township clerk as aforesaid, it shall be the duty of said township board to meet as herein provided and audit all claims for charges found on file with the said township clerk, and at which meeting it shall be the right of all parties interested therein to appear before said board and be heard with reference to the legality and amount of such charges.

SEC. 5. The amount of all claims for charges in this act provided for, which shall be audited and allowed by any township board, shall be paid to the several overseers of highways entitled thereto from the township treasury in the same manner as other charges allowed against townships are paid.

SEC. 6. The township clerk, after the allowance, shall make a statement of all such claims as have been so allowed under the provisions of this act, with a description of the lands relative to which such charges have been allowed, to the supervisor of the township who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the tax roll of his township, and which taxes so spread shall, in all respects, be collected or returned in the same manner as other

taxes assessed upon real estate are collected or returned and when the same are collected they shall be paid into the treasury of the township for the purpose of reimbursing such township for any expenses which may have been incurred in carrying out the provisions of this act.

SEC. 7. Any person who shall knowingly sell any grass or other seed among which there is any seed of milkweed shall, for every such offense, upon conviction thereof, be punished by a fine not exceeding ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period not exceeding ten days.

SEC. 8. Every overseer of highways who shall refuse or neglect to discharge the duties imposed upon him by the provisions of this act shall be punished by a fine of ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period of ten days.

Approved May 22, 1891.

(Public Acts 1891, pp. 107-109.)

MINNESOTA.

CERTAIN WEEDS TO BE DESTROYED.

SECTION 1. The weeds named in this section shall be known as noxious weeds and are hereby declared to be common nuisances, and for convenience are classified into the following groups. First group: Wild mustard (*Brassica sinapis*¹), wild oats (*Avena sativa*²), cockleburr (*Xanthium strumarium*³), burdock (*Lappa officinalis*⁴), tumble mustard (*Sisymbrium sinapistrum*⁵). Second group: Canada thistle (*Cnicus arvensis*⁶), ox-eye daisy (*Leucanthemum vulgare*⁷), and quack grass (*Triticum vulgaris*⁸). Third group: French weed (*Thlaspi arvense*⁹).

SEC. 2. It shall be unlawful for any person or persons or any corporation owning, occupying or having control of any lands within this State, whether within the limits of any town, village or city or otherwise, to knowingly permit or suffer any of the weeds named in the first or second groups mentioned in section one (1) of this act to go to seed upon any lands thus owned, occupied or controlled by such person or persons or corporation. And it shall likewise be unlawful for any such person, persons or corporation to knowingly permit or suffer any of the weeds named in the second group mentioned in section one (1) of this act to grow and reproduce themselves by crowns or underground stems or buds, for a longer period than two (2) years on any land thus owned, occupied or controlled by them; and it shall further be unlawful for any such person, persons, or corporation to knowingly permit or suffer weeds named in section one (1) of this act to produce seeds for a longer period than four (4) years upon any land thus owned, occupied or controlled by them. For the purposes of this act, ownership, occupation, or control of lands shall extend to the center of any highway, street or alley adjoining.

SEC. 3. It shall be the duty of the town supervisors or other person or persons having the control of the public highways, streets or alleys, to enforce the provisions

¹*Brassica sinapistrum*.

²*Avena sativa* is the cultivated oat. *Avena fatua* is the wild oat.

³*Xanthium canadense* is probably meant, as *Xanthium strumarium* does not occur in Minnesota.

⁴*Lappa officinalis* is an old name for burdock. *Arctium lappa* is the correct technical name for this species.

⁵*Sisymbrium altissimum* is the correct name for this species.

⁶*Cnicus arvensis*. The correct name is *Carduus arvensis*.

⁷*Leucanthemum vulgare*. The correct name is *Chrysanthemum leucanthemum*.

⁸*Triticum vulgare*, for which this is a misprint, is the technical name of cultivated wheat. The correct name of couch grass is *Agropyron repens*.

⁹*Thlaspi arvense*.

of this act as hereinafter provided. They shall use all reasonable means to educate those interested in lands upon which noxious weeds exist, as to the best means of identifying¹ and the proper method of eradicating the same and when previous knowledge of the existence of said weeds upon any land is admitted by the owner, agent or occupant, or where such knowledge is proven to the satisfaction of the officers charged with the enforcement of the provisions of this act, and no steps have been taken to eradicate said weeds by such owner, agent or occupant, it shall be lawful and it is hereby made the duty of such officers to enter upon such lands and to take such steps as they may deem necessary to eradicate such weeds.

SEC. 4. The officers charged with the enforcement of this act are required, and it is hereby made their duty to examine all highways, streets and alleys and to investigate all cases where they have from their own knowledge or the report of others reason to suspect the existence of noxious weeds on any lands within their jurisdiction. They shall give the owner, agent, or occupant notice of the time in which such weeds shall be destroyed and they shall arrange with him or them for the prosecution of effective means to that end. Providing satisfactory arrangements cannot be made, it shall be the duty of the said officers to enter upon said lands and to cause to be taken such steps as in their judgment are deemed necessary to eradicate such weeds. The necessary expenses thus incurred shall be paid out of the fund for the support of highways and the labor paid for shall be at the same rate paid labor on the public highways.

SEC. 5. Any person having knowledge or having reason to suspect that any of the weeds named in section one (1) of this act are growing or standing upon any lands situated in the town, village or city of which he is a resident, may notify in writing the town supervisors, or other person or persons having control of the highways, streets or alleys in such town, village or city, designating as nearly as may be the tract or tracts upon which such weeds are supposed to be, whereupon it shall be the duty of said officers to immediately inspect the premises mentioned, and if such weeds are found to exist upon such premises, they shall immediately proceed as provided for in section four (4) of this act. In case the owner or agent cannot be found, or in case they fail to destroy the said weeds within the time specified by said officers, it shall be lawful for and it shall be the duty of the officers herein mentioned to enter upon the lands described and destroy or cause to be destroyed the weeds herein mentioned and to pay therefor at the same rate that is paid for road labor, and every supervisor or other person hereinbefore authorized to destroy such weeds shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning or controlling the land or lands upon which such weeds were destroyed. And unless the same shall have been paid by the owner or person in control of the land before the first of the following October it shall be returned to the county auditor and the county auditor shall levy the same against the said land to be collected the same as other taxes.

SEC. 6. Any person or persons or the officers of any corporation violating the provisions of section two (2) of this act or who shall fail to comply with the notices specified in section four (4) of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars and not more than one hundred (100) dollars; and any officer failing to perform the duties imposed upon him by the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (25), dollars and not more than one hundred (100), dollars and upon the petition of any official responsible under this act or of two (2) tax payers, the county attorney shall prosecute such alleged offending person or persons.

SEC. 7. All fines collected under the provisions of this act shall be paid into the fund for the maintenance of roads and bridges in the town or municipal corporation in which the offence is committed.

¹ Identifying.

SEC. 8. Sections ninety-two (92), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96) and ninety-seven (97) of chapter ninety-five (95) of the general statutes of one thousand eight hundred and seventy-eight (1878) as amended, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

(General Laws of Minnesota for 1895, pp. 653-656.)

TO PREVENT THE SPREAD OF NOXIOUS WEEDS FROM EMPTY FREIGHT CARS.

SECTION 1. In order to prevent the spread of noxious weeds from empty freight cars, it shall be the duty of each and every railroad company owning or operating any railroad or railroads in this State, to keep the doors of empty freight cars closed while hauling such cars over their lines in this State.

SEC. 2. Any railroad company that wilfully violates the provisions of this act shall be liable to a fine of not less than ten (10) nor more than twenty-five (25) dollars for each offense.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1895.

(General Laws of Minnesota for 1895, p. 651.)

TO PREVENT THE SPREAD OF WEEDS IN HIGHWAYS.

SECTION 1. Every person and corporation shall destroy upon all lands embraced within or constituting part of the public highway opposite or adjoining lands which he or they may own or control or occupy, all weeds known as Russian, Canada, or other thistles, burdock, white or ox-eye daisy, wild mustard, snap dragon, or toad flax, cockleburr, sow thistle, sour dock, yellow dock and other noxious weeds, at such time and in such manner as shall effectually prevent them from bearing seed.

SEC. 2. If the occupant of any such lands shall fail to so destroy such weeds as so required after having six days notice in writing by any road overseer or other proper officer such occupant shall be reported by said overseer or other proper officer as delinquent and a tax be levied against such lands as hereinafter provided.

SEC. 3. Whenever it shall become necessary to serve notice as provided in section two (2) of this act upon any manufacturing or other corporation owning or controlling any lands in any town, such notice if served upon any agent of such corporation residing or being in said town, city or village shall be deemed good and sufficient notice; and if no such agent shall reside or be in such town, city or village, then such notice may be served upon any agent of such corporation who shall reside or be in any adjoining town, city or village or at its general place of doing business in this State; and if such owner of vacant lands is a non-resident, by mailing the same to any such owner or agent.

SEC. 4. It shall be the duty of the road overseers of each town, street commissioner of each village, and the city engineer of each city, to serve or cause to be served the notice referred to in section two (2) of this act upon the proper person or persons, in their own town, village, or city as the case may require.

SEC. 5. The said overseer, commissioner, or engineer shall carefully inquire concerning existence of noxious weeds in his township or precinct, village or city and in case any person, persons, or corporation owning, occupying, or controlling any lands adjoining any public highway within this State shall neglect, after such notice, to destroy any Russian, Canada, or other thistles, burdock, white or ox-eye daisy, wild mustard, snap dragon, or toad flax, cockleburr, sow thistle, sour dock, or yellow dock or any other noxious weeds growing on any lands constituting any highway, lane, or alley adjoining such lands, it shall be the duty of such officer to destroy or cause to be destroyed all weeds growing upon such highway. He shall spend as many days as the chairman of the town board, president of the village, or mayor of the city may deem necessary, and for each day so spent shall receive two

(2) dollars upon presentation of his account therefor, verified by his oath and specifying by separate items the amount against each piece of land describing the same and the several amounts shall be placed in the next tax roll in a separate column headed: "For the destruction of weeds," and extended as a tax against the lands adjoining such highway, upon which such weeds were destroyed, and be collected as other taxes.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed, save that nothing herein contained shall be construed as repealing or affecting any of the provisions of any act heretofore or hereafter passed, entitled "An act to provide for the destruction of a weed commonly known as Russian thistle, and to appropriate money therefor."

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 26, 1895.

(General Laws of Minnesota for 1895, pp. 651-653.)

RUSSIAN THISTLE.

SECTION 1. The weed commonly known as Russian thistle is hereby declared a public nuisance, demanding prompt and efficient action on the part of the State for its abatement.

SEC. 2. Any person or persons, company or corporation, owning or occupying any land within this State, whether said land be within the limits of any village or city, or elsewhere, or having the control of any such land, who shall knowingly permit or suffer any Russian thistle to grow or remain thereon after the expiration of the date named in the notice as provided for in section three, shall be deemed guilty of a misdemeanor, and of maintaining a public nuisance, and, on conviction thereof before any court having jurisdiction shall be punished by a fine not exceeding one hundred (\$100) dollars, nor less than ten (\$10) dollars and costs of prosecution.

And the finding of such thistle or thistles standing and growing on any such land after the date named in the notice shall be *prima facie* evidence that the person or corporation owning or occupying the same or having the control thereof, knew of and permitted the same to grow and remain thereon.

SEC. 3. For the purpose of fixing a time after the expiration of which such thistles may be destroyed by public authority, it is hereby made the duty of the board of county commissioners to fix by resolution, a time for the destruction of all Russian thistles standing or growing in the respective counties. Notice of such time shall be forthwith published by the county auditor in the official paper of the county for three successive weeks, and the county auditor shall at once mail notice to each town clerk in his county, and notice of such time shall be forthwith posted by each town clerk in the usual places for posting such public notices in each town, and such time shall be so fixed and notice thereof given, as above provided, early enough each season to enable those whose duty it is to destroy such thistles to do the same in time to prevent them from maturing seeds.

And it is hereby made the duty of all owners and occupants of lands within such towns, counties, villages or cities to destroy all such thistles growing on their lands at or before the expiration of the time so fixed; and if they shall fail to do so, the public authorities shall destroy the same at the expense of said owners or occupants as hereinafter provided.

It shall also be the duty of the county auditor to notify the division superintendents of all railways within the county of which he is auditor of the date set by the board of county commissioners before which all Russian thistles must be destroyed.

SEC. 4. Every board of town supervisors, or in case of unorganized towns, the board of county commissioners, or in case of villages or cities the village or city council shall appoint one or more persons to be known as "weed agents" for each township or smaller district whose duty it shall be to destroy or cause to be destroyed in such district as shall be definitely allotted to him by the town or county board or

by the village or city council, before the expiration of the time for the destruction thereof by others, all Russian thistles found growing on the public highways or streets in his district; and, after the expiration of the time fixed for the destruction of such thistles by the owners or occupants of lands, as provided in section three of this act, each weed agent shall destroy or cause to be destroyed before the time such thistles mature seeds all such thistles found standing and growing on the lands within his district other than public highways, and for this purpose he may lawfully enter upon any such lands, if he have reason to believe that such thistles are growing thereon.

Provided, however, That no town supervisor shall be appointed as "weed agent."

For these services such weed agents and persons employed by them shall be entitled to such compensation as shall be fixed by the board or council appointing them.

SEC. 5. It shall be the duty of such weed agent to present to the board of supervisors of his town, or where towns are not organized, to the county commissioners or in villages or cities to the village or city council, an itemized account verified under oath, giving the description of each piece of land with the name of owner and occupant, upon which Russian thistles have been destroyed by said weed agent or persons employed by him, and the amount due each person for services in such work.

He shall also in like manner make a statement showing the cost of destroying the thistles upon public highways.

SEC. 6. It shall be the duty of the board of township supervisors, or where towns are not organized of the county commissioners or in villages or cities of the village or city council, to audit the accounts presented by the weed agents for the destruction of Russian thistles on the public highways and streets, and to pay the amount allowed out of the general fund, if audited by the town board, or out of the county fund if audited by the county board, or out of the village or city fund if audited by the village or city council.

SEC. 7. It shall be the duty of the board of supervisors to audit the bills presented by the weed agents for the destruction of Russian thistles on highways, or under his direction on lands other than public highways, and the amount allowed on each parcel or lot of land shall be certified by the board of supervisors or by the village or city council to the board of county commissioners.

Upon the approval of the board of county commissioners, in case of towns not organized the board of county commissioners alone shall audit and approve at any regular or special meeting, and after the expiration of thirty days if appeal is not taken from the action of the county commissioners, as the law provides in other cases, it shall be the duty of the county auditor to draw a warrant upon the county treasurer for the amount allowed; and the county auditor shall certify to the State auditor the full amount allowed by the county commissioners for the destruction of Russian thistles in the county; and upon receipt of the certificate of the county auditor of the counties where Russian thistles have been destroyed as provided for in this act, the State auditor shall draw his warrant upon the State treasurer in favor of each county for the full amount certified by each county auditor and the State treasurer shall immediately pay the amount so certified to each county.

SEC. 8. The sum of twenty-five thousand (\$25,000) dollars or as much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for each of the years 1895 and 1896 to be a revolving fund to carry out the provisions of this act, and the same shall be known as the Russian thistle fund.

SEC. 9. It shall be the duty of the county auditor to enter upon the tax list in a separate column for the purpose headed "For the destruction of Russian thistles," the amount allowed by the county commissioners and actually expended for the destruction of the Russian thistle as a tax upon each separate parcel or lot of land upon which such thistles were destroyed by the weed agents under the authority of this act, to be collected as other land taxes are collected, and the entry of such tax

upon the tax roll shall be conclusive evidence of the liability of the land so taxed to such tax.

SEC. 10. The county treasurer shall immediately after such settlement in February, May and September pay over to the treasurer of the State all money received by him arising from taxes levied and collected belonging to the State, taking duplicate receipts thereof one of which shall be placed on file in the office of the county auditor.

SEC. 11. If any township supervisor or village or city councilman or county commissioner or weed agent shall knowingly and willfully neglect or refuse to perform any of his or their duties prescribed in this act upon conviction thereof shall pay a fine of not more than one hundred (\$100) dollars, and not less than twenty-five (\$25) dollars; and it shall be the duty of the county attorney upon the complaint of any taxpayer in the county to bring action and prosecute the same.

SEC. 12. All moneys arising from the collecting of fines shall be paid to the town treasurer in organized towns, or in case of towns not organized to the county treasurer, or in villages and cities to the village or city treasurer and placed by him to the credit of the general town, county, village or city fund, respectively.

SEC. 13. Upon the petition of the owner or owners of any lands in the State to the district court of the county in which the land tax for the destruction of Russian thistles is located, the judge of the district court to whom petition is made shall hear the evidence and where the payment of the tax will work extreme hardship he may make such order and grant such relief as shall be equitable and in case the tax or any part thereof shall be abated, the finding of the court shall be immediately reported to the county treasurer and one copy to the county auditor.

Such petition shall be made and a determination thereof had prior to the time for the filing of the delinquent tax list by the county auditor, with the clerk of the district court, and eight days' notice of the time and place of hearing thereof shall be given by the appellant to the county attorney of the proper county.

SEC. 14. The board of town supervisors, and in case of unorganized towns the board of county commissioners shall cause to be destroyed all Russian thistles on or before the date fixed by law on all lands belonging to the State, and payment for said work shall be provided for in the same manner as is provided for in section 7 of this act for the payment of the destruction of Russian thistles on the lands of negligent owners, except that the county need not refund such moneys to the State.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 11, 1895.

(General Laws of Minnesota for 1895, pp. 656-660.)

FENCES TO PREVENT THE SPREAD OF RUSSIAN THISTLE.

SECTION 1. Every organized township in this State is hereby authorized to vote and issue the bonds of such township at any annual, or special town meeting, called for that purpose, in such an amount as a majority of the electors thereof may deem necessary, to build and maintain a fence at or near the township line for the purpose of preventing the spreading of Russian thistles over the lands of the township.

SEC. 2. Whenever the electors of any township, shall provide the funds by the issuing of such bonds to build a fence in accordance with the provisions of this act, the persons authorized to build such fence, under the direction of the supervisors, shall have lawful right of entry upon any lands, for the purpose of erecting such fence, along or near the boundary of such township.

SEC. 3. A fence may be built within the bounds of any public highway whenever it may be necessary, in order to carry out the provisions of sections one and two of this act; provided such fence does not obstruct or interfere with the travel thereon.

SEC. 4. This act shall take effect from and after its passage and approval.

Approved March 5, 1895.

(General Laws of Minnesota for 1895, pp. 633-634.)

MISSOURI.

CANADA THISTLE.

SECTION 7420. It shall be the duty of every owner, lessee or other occupant of any lands in this State, and of every railroad company, partnership lessee, or other corporation of persons owning or operating any railroad in this State, within the limits of the right of way of such railroad, and on all grounds owned or controlled by such company, lessee, or person, to cut, or cause to be cut down, all Canada thistles, standing, being or growing thereon, or on any road or highway passing through, by or over such lands or right of way, so often in each and every year as shall be sufficient to prevent said thistles from going to seed; and if any owner, lessee, or other occupant of any lands, or any railroad company, partnership, lessee, or other corporation or person owning or operating any railroad in this State, shall, knowingly, suffer any such Canada thistles to grow thereon and the seed thereof to ripen, so as to cause or endanger the spread thereof, such corporation, owner, lessee, or other person shall forfeit and pay the sum of ten dollars for every such offense; and such sum forfeited, may be recovered, by civil action, in the name of the road overseer, or other person having charge of the streets, roads or highways in the district or place where such thistles may be allowed to grow or seed, before any justice of the peace of the county, city, town or township in which the offense is committed, and all sums recovered by virtue of this section shall be paid to the use of the county school fund.

(Laws 1877, p. 6, § 1.)

SEC. 7421. When Canada thistles are or may hereafter be growing upon unoccupied lands, the owner of which is not a resident of the county in which such lands lie, it shall be the duty of the road overseer or other person having charge of the roads and highways in the district or place where such lands lie, to cut, or cause to be cut down, such thistles, so as to prevent the seed from ripening, and for that purpose shall have authority to call to his assistance any road hands of his district, and to enter on such lands without being liable to an action of trespass therefor; and such overseer or other person shall keep an accurate account of the expense incurred by him in cutting or causing to be cut, such thistles, with respect to each tract of land entered for that purpose, and he shall verify such statement under his oath and transmit the same to the county clerk or other officer whose duty it is or may be to extend State and county taxes on tax books or bills against real estate, and such clerk or other officer shall extend the aggregate expense so charged against each tract of land against the same, as a special tax, which shall then become a lien on said lands and be collected as State and county taxes are or may be collected by law, and when collected the same shall be paid to the party who rendered the service.

(Laws 1877, p. 7, § 2.)

SEC. 7422. It shall be the duty of any person who shall ship, or cause to be shipped, into this State, any fruit trees, queensware or other property of any kind or description packed in or with straw or grass of any kind, to burn said straw or grass at the time of unpacking the same, and if any such person shall not so destroy such grass or straw, he shall be deemed guilty of a misdemeanor.

(Laws of 1877, p. 7, § 3.)

SEC. 7423. Any person who shall, knowingly, vend any grass or other seed, among which there is any seed of the Canada thistle, shall be deemed guilty of a misdemeanor.

(Laws 1877, p. 7, § 4.)

SEC. 7425. Every road overseer or other person having charge of streets, roads, or highways, who shall refuse or neglect to discharge the duties imposed on him by the provisions imposed on him by this chapter, shall be deemed guilty of a misdemeanor.

Approved April 9, 1877.

(Laws 1877, p. 7, § 6. Revised Statutes of Missouri, 1879, p. 1454.)

NEBRASKA.

LAW AGAINST CANADA THISTLE.

SECTION 6903. Every owner or possessor of land shall cut or mow down all Canada thistles growing thereon or in the highway adjoining the same, so often as to prevent their going to seed, and if any owner or possessor of land knowingly shall suffer such thistles to grow thereon in any highway adjoining the same, and the seed to ripen so as to cause and endanger the spreading thereof, he shall forfeit and pay a fine not less than ten dollars and not more than forty dollars; and any person may enter upon the land of another, who shall neglect or refuse to cut or mow down such thistles, for the purpose of cutting or mowing down the same, and shall not be liable to be sued in an action for trespass therefor.

SEC. 6904. If any person shall, knowingly, vend any grass or other seed in which there is any seed of the Canada thistle, such person shall, for every such offense, be fined the sum of twenty dollars.

(Compiled Statutes of Nebraska, Brown & Wheeler, 1895, p. 1350.)

RUSSIAN THISTLES.

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. That the weed commonly known as the Russian thistle is hereby declared a public nuisance demanding prompt and efficient action on the part of the State for its abatement.

SEC. 2. Any person or persons, company or corporations, owning or occupying any land within this State whether said land be within the limits of any village or city or elsewhere, or having the control of any such land, who shall knowingly permit or suffer any Russian thistle to grow or remain thereon after the expiration of the date named in the notice as provided for in section 3 of this act, shall be deemed guilty of a misdemeanor and of maintaining a public nuisance, and on conviction thereof before any court having jurisdiction shall be punished by a fine of not less than ten dollars or more than one hundred dollars and costs of prosecution, and the finding of such thistle or thistles standing and growing on any such land after the date named in the notice shall be *prima facie* evidence that the person or corporation owning or occupying the same or having the control thereof knew of and permitted the same to grow and remain thereon.

SEC. 3. It shall be the duty of the road overseers of each and every road district where the Russian thistle is found to examine his respective district on the first Monday of July, August, September, and October and wherever the Russian thistle is found it shall be his duty to notify the party or parties in possession of said land, in writing or by publication, if a non-resident, in a newspaper of the county for three successive weeks commencing with the first week of June of each year, and also the owners of said land, that all Russian thistles on his premises must be destroyed within one week after such notice, or that he will proceed to destroy the same within one week thereafter.

SEC. 4. In case the Russian thistle is not destroyed on any land in their respective road districts by the fifteenth day of August, it shall be the duty of the road overseer to proceed to destroy the same, and the cost of destroying the same shall be charged to the party or parties in possession of said land: *Provided*, That in case said party or parties are not the owners of said land, but occupy the same by lease as renters, then and in that case there should not be charged more than twenty-five cents per acre, and the balance of said amount shall be paid by the owner of said land, to be collected the same and at the same time as other taxes; and it is further provided that in case the lessee of said land refuses or fails to pay the amount charged to them the same shall be assessed against the land occupied by them and collected the same as other taxes. When said charge is against the lessee of the land the same

shall be due the owner from the renter or lessee and may be collected the same as any other debt.

SEC. 5. It shall be the duty of the road overseer to destroy all Russian thistles growing in the public roads, but in all cases where it is not a legal highway the owners or occupiers of the land shall destroy the Russian thistles up to their lines, even if there has been land left for a road and fence built inside of their line. The road overseers are hereby authorized to go on any land that the parties in possession of fail to destroy the Russian thistle on, and destroy the same according to the provisions of this act.

SEC. 6. The road overseer shall receive the sum of two dollars (\$2) per day for the time actually used in inspecting and destroying Russian thistle, and is hereby authorized to hire as much help as shall be necessary at not to exceed one dollar and fifty cents (\$1.50) per day for each person so employed.

SEC. 7. It shall be the duty of the road overseer to certify to the county clerk on or before September 10 of each year the amount of work done, the cost of the same, and the different amounts charged against the different pieces of land.

SEC. 8. It shall be the duty of the county clerk to certify to the county commissioners or supervisors where counties are under township organization, the different amounts due overseers and their help, which shall be paid out of the county general fund.

SEC. 9. It shall be the duty of the county clerk to enter on the tax list, before they are turned over to the county treasurer, the different amounts charged as a special tax against land reported by the road overseer or city marshals.

SEC. 10. Road overseers who fail to do their duty under this law shall be deemed guilty of a misdemeanor, and shall on conviction be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100).

SEC. 11. In cities and towns it shall be the duty of the city authorities to destroy all Russian thistles in all streets and alleys, and all public grounds controlled by said city, and to notify all parties by publication or notice, the same as all city or town ordinances are published, on or before July 1st that if all Russian thistles are not destroyed by August fifteenth the city marshal shall destroy the same and certify under oath the amount charged against each lot or plat of land to the county clerk, the same to be collected as other taxes.

SEC. 12. It shall be the duty of all railroad companies or other corporate bodies owning or controlling land, to destroy the Russian thistle according to the provisions of this act, and in case of failure the marshal of the cities or towns, and the road overseers in their respective districts shall destroy the Russian thistles and certify under oath to the county clerk, and the cost of doing the same shall be charged to the company and collected in the same manner, and at the same time as other taxes.

SEC. 13. The taxes imposed by this act shall be known as a special thistle tax, and shall be collected as other special taxes by the county and township collectors of taxes, and shall constitute a special fund to be known as the special thistle fund, and the same shall be expended in destroying the Russian thistle and for no other purpose.

SEC. 14. The secretary of State shall furnish to the county clerk of each county, to be distributed by him to the different road overseers of his county, blank notices on the back of which there shall be printed this act, and also such other blanks as may be necessary to fulfill the provisions of this act.

SEC. 15. If any person shall knowingly vend or dispose of any grass or other seed for seeding purposes, in which there is any of the seed of the Russian thistle, such person shall, for every such offense be fined in the sum of twenty-five dollars, and he shall also be liable in damages to the person or persons injured thereby, for all damages resulting from the sowing of such seed, which damages may be recovered in an action at law.

SEC. 16. It shall be the duty of each road overseer to report to the county attorney each and every violation of the provisions of this act, and it shall be the duty of

such county attorney to immediately attend to the prosecution of parties guilty of any violation of this act, and any person, party or agent of any corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be fined in such sums as in this act provided.

SEC. 17. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved April 5, A. D. 1895.

(Laws, Joint Resolutions, and Memorials, Nebraska, 1895, chapter 2.)

NEW JERSEY.

CANADA THISTLES.

SECTION 1. If any person or persons owning, possessing, or having care or charge of any land or lands, improved or unimproved, enclosed or unenclosed in this State, shall knowingly, willingly or willfully permit or suffer any Canada thistle to grow up thereon, and suffer the same to stand until its seeds get ripe, he, she, or they shall, for every stalk or branch thereof so suffered to grow up, forfeit and pay a fine of twenty-five cents, to be sued for and recovered, with costs, by any person, in his name, before any court of competent jurisdiction.

Approved March 8, 1848.

(Nixon's Digest, Laws of New Jersey, 1867.)

SECTION 1. That any person or persons who shall knowingly and willfully bring into this State any bale or bales of hay containing Canada thistle, or seeds of the same, or any grass or grain seeds with which the seeds of Canada thistle shall be mixed, or who shall knowingly or willfully sell any manure containing any Canada thistle, or seeds of the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment in the county jail, workhouse or penitentiary of the county in which such conviction shall take place, or both fine and imprisonment may be imposed, in the discretion of the court.

SEC. 2. That this act shall take effect immediately.

Approved March 25, 1881.

(Laws of New Jersey, 1881, p. 252.)

NEW YORK.

WEEDS.

SECTION 1. It shall be the duty of the superintendent of canals to cause all Canada thistles and other noxious weeds growing on the banks and sides of the canals, to the width owned by the State, to be cut down twice in each and every year, once between the fifteenth day of June and the first day of July, and once between the fifteenth day of August and the first day of September.

SEC. 2. If the said officers shall refuse or neglect to cause the same to be cut at the time as aforesaid, it shall be lawful for any person or persons, to cut the same between the first and fifteenth days of July, and between the first and fifteenth days of September in each year, at the expense of the superintendents having charge of the sections on which such thistles and noxious weeds shall be so cut, at the rate of one dollar per day for the time occupied in so cutting, to be recovered in any court of justice in this State.

(Passed April 21, 1847. Laws 1847 p. 102.)

SEC. 3. It shall be the duty of the several railroad corporations and turnpike corporations within this State to cause all Canada thistles, white and yellow daisies and other noxious weeds growing on any lands owned or occupied by such corporations, to be cut down twice in each and every year, once between the fifteenth day of June and the twenty-fifth day of June, and once between the fifteenth day of August and the twenty-fifth day of August.

SEC. 4. If the said corporations, or any or either of them, shall neglect to cause the same to be cut down, at the times in the third section of this act mentioned, it shall be lawful for any person to cut the same, between the twenty-fifth day of June and the fifth day of July, inclusive, and between the twenty-fifth day of August and the fifth day of September, inclusive, in each year, at the expense of the corporation on whose lands said Canada thistles, white and yellow daisies, or other noxious weeds shall be so cut, at the rate of three dollars per day for the time so occupied in cutting, to be recovered in any court of justice in this State.

(Passed May 18, 1881. Laws 1881, p. 401.)

SEC. 5. It shall be the duty of every person or corporation, owning or occupying under a lease for one or more years, any cultivated or enclosed lands abutting upon any highway, to cause all noxious weeds, briars, and brush, growing upon said lands, within the bounds of said highway, to be cut and destroyed between the fifteenth day of June and the first day of July, and between the fifteenth day of August and the first day of September, in each and every year. But boards of supervisors may fix a different period, or periods, for cutting or destruction in their respective counties. This section shall not be construed to restrict any of the powers heretofore conferred upon boards of supervisors.

SEC. 6. It shall be unlawful for any person to place or cause to be placed any noxious weeds, or the seeds of such weeds within the bounds of any public highway.

SEC. 7. Any willful neglect to comply with the provisions of section one of this act, or any willful violation of section two of this act, shall subject the person or corporation so offending to a penalty of ten dollars and costs in and for each road district in which any of such provisions shall be violated, to be sued for by the commissioner or commissioners of highways of the town wherein said road districts shall be situate, or by the street commissioner of villages, when such village constitutes a separate road district, and recovered before any justice of the peace having jurisdiction; said fine, when collected, to be paid into the highway fund of such town or village.

SEC. 8. It shall be the duty of commissioners of highways of towns or of street commissioners of villages to prosecute every person or corporation violating any of the provisions of this act in their respective towns or villages, and to include in each annual report of such commissioner a detailed statement of all fines recovered under the provisions of this act.

(Passed March 11, 1878. Laws 1878, p. 55.)

SEC. 9. It shall be the duty of the overseer of every road district and of the street commissioner of every city or village to see that the provisions of section one of this act are enforced, and it is hereby made his duty to give written notice to any occupant of premises to cut all weeds, briars and brush growing within the bounds of the highway. If they shall neglect so to do, as above provided; and if, after receiving such notice, the occupant of the premises shall fail to do so within ten days, it shall be the duty of the overseer or street commissioner to employ some one to do so, and make a report, under oath, to the commissioner or commissioners of highways of the amount so expended by him and the ownership and occupancy of the several parcels of land against which such labor was performed on or before the first day of November in each year. The commissioner or commissioners of highways shall certify these statements to the supervisor of the town, and the supervisor shall lay the same before the board of supervisors at their next meeting, and such board shall include the amounts included in said statements in the taxes assessed upon the lands upon or against which the labor was performed, the same to be collected with the other taxes and paid over upon the order of the supervisor to the parties entitled thereto.

(Passed June 18, 1887. Laws 1887, p. 816. The Revised Statutes, Codes and General Laws of the State of New York, 1890, p. 3331.)

NORTH DAKOTA.

NOXIOUS WEEDS.

Be it enacted by the legislative assembly of the State of North Dakota:

SECTION 1. Every person and every corporation shall destroy upon all lands, which any such person or corporation shall own or occupy, all weeds of the kind known as Canada thistle, cocklebur, mustard, wild oats, French weeds (*carena fatua*¹), and Russian cactus (*Salsola Colinapal*²), at such time and in such manner as shall effectually prevent their bearing seed. Such time and manner of destroying such weeds shall be prescribed by the board of county commissioners, and the same shall be published at least two weeks in some newspaper in the county, not less than two weeks before the time so prescribed: *Provided, further,* That if there be no newspaper published in the county, then written notices of the same shall be posted, the same as election notices are posted in lieu of such publications.

SEC. 2. It shall be the duty of the board of county commissioners, at their regular meetings in April of each year, to determine the time and manner of destroying such noxious weeds and shall cause such decision to be published as provided for in Section 1 of this act. They shall also cause to be mailed to the chairman of each board of township supervisors and to every overseer of highways and road supervisor in the county a copy of their proceedings.

SEC. 3. Whenever any individual, firm or corporation, owning or occupying any lands within this State, shall neglect or refuse to comply with the provisions of this act for more than ten days after the time prescribed by said board of county commissioners, then it shall be the duty of the overseer or road supervisors, as the case may be, to proceed forthwith to destroy the same in the manner provided for said destruction by the board of county commissioners; it shall also be the duty of such overseers or road supervisors to destroy all such noxious weeds that may grow on the highways and railroad right-of-ways and school sections and timber culture claims of his road district, and for so doing such overseers or road supervisors shall have such compensation, payable out of the township treasury or county treasury, as the township board of supervisors or board of county commissioners, upon presentation of his account thereof, verified by oath and specifying by separate items the charges on each piece of land shall deem reasonable, and the respective amounts, so far as right shall be allowed and paid by the said township board or board of county commissioners, and upon this being so allowed the said board of supervisors or board of county commissioners shall take proper proceedings in the district court of the county in which said land is. To obtain a judgment against each of said tracts of land and the owner or owners thereof for the amount expended on said lands under this act for the destruction of noxious weeds thereon, to pay the expenses of said destruction and all costs that have since accrued under this act and in obtaining judgment therefor, which judgment shall be declared a first lien on said land to be enforced either by judgment sale or as accrued taxes on the lands are collected, at the option of the court.

(Section 3, as amended. Laws of North Dakota, 1895, p. 120.)

SEC. 4. Whenever any overseer of highways or road supervisors shall neglect or refuse to comply with the provisions of this act, after having received notice as provided for in section 2 of this act, he shall be subject to a fine of fifty (50) dollars, and it is hereby made the duty of the State's attorney to enforce the provisions of this act.

SEC. 5. That an act entitled, "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement and Chapter 102, Session Laws of 1890, relating to noxious weeds, be and the same is hereby repealed.

¹*Arena fatua* Wild oats. ²*Salsola colina* Pall. should have been *Salsola kali* *tragus*.

SEC. 6. Inasmuch as there is no provision for the destruction of noxious weeds, and many of said weeds will go to seed before July 1st, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.

(Laws of North Dakota, 1891, p. 253.)

RUSSIAN THISTLE AND FRENCH WEED.

Be it enacted by the legislative assembly of the State of North Dakota :

SECTION 1. The noxious weed known as Russian thistle and French weed wherever found in the State of North Dakota, is hereby declared to be a public nuisance, and it is made the duty of every person or corporation owning, occupying, leasing or having any lien or interest in any land, without regard to the use to which such land is put, to destroy the same before it shall go to seed, or if it shall have gone to seed, to completely destroy the same by burning it, before any plant shall have broken off or scattered its seed.

SEC. 2. Any overseer or supervisor of roads, any sheriff or constable or officer of any organized township, or any mayor or police officer of any incorporated city, town or village, who shall know of the existence of any such Russian thistles or French weeds within their respective jurisdictions, who shall fail or neglect to destroy the same, or cause them to be destroyed, or else to make complaint in writing to the commissioner whose duty it becomes under the provisions of this act to cause the destruction of such thistles and French weed, shall be guilty of malfeasance in office, and upon conviction of such failure or neglect, shall be subject to a fine of not less than \$25 nor more than \$50.

SEC. 3. Every county commissioner shall be charged with the duty of personally superintending and enforcing the provisions of this act within his commissioner district.

SEC. 4. There is hereby constituted a board of commissioners which shall be designated The Executive Relief Board, which board shall consist of the Governor and two competent persons whom he shall appoint to hold their offices until the Governor shall appoint their successors. Said commissioners shall acquire all necessary and practicable information for the purpose, and shall determine the general methods and seasons for the destruction of Russian thistles and French weed prior to June 1st, 1895. They shall cause their general determinations, with such rules and regulations, as they may deem wise to be printed, and at least twenty (20) copies of the same to be sent to the auditor of each county in the State. They shall also cause a copy of such determinations, rules and regulations to be sent to each newspaper in the State. They may determine upon special methods and seasons for such destruction when in their judgment it shall seem best, and such special determinations and the rules and regulations which they may prescribe for their execution shall be printed or not as they deem wise, and notice of them shall be given only as shall be necessary in each case. They may at any time change or modify such determinations and rules and regulations, and in such case they shall send to the county auditors printed copies of such changed and modified determinations, rules and regulations; and all the determinations, rules and regulations so established by such commissioners, shall have the full force of law. The board of commissioners hereby established shall control and direct any and all operations contemplated in any appropriation which may be made, and of the expenditure of any money which may come into possession of the State from any such appropriation, from taxes as provided in section 17 of this act, or from any other source, to be used for the destruction of Russian thistles and French weed. They shall file itemized vouchers for such expenditures with the State auditor, who shall issue his warrants upon the State treasurer for the amount of such vouchers. No claim shall be allowed and no money paid out of the State treasury, or out of any county treasury for any expenses of destruction of Russian thistles and French weed not done in accordance with the determinations, rules and

regulations which such board of commissioners shall prescribe. If the Executive Relief Board shall ascertain that, for twenty days after the times prescribed by the rules and regulations of said board for the destruction of the Russian thistles and French weed the work of such destruction has, in any place not been in good faith begun and vigorously prosecuted, then said board shall direct the county commissioner within whose commissioner district such failure to so begin and so prosecute such work exists, to begin such work at once and to vigorously prosecute and complete the same. Such direction shall specify the particular facts constituting such failure; and if for five days after such direction such county commissioner shall still fail or refuse to begin in good faith and to prosecute vigorously such work, then said board may file in the office of the auditor of such county a copy of such direction with proof of service thereof, and may thereupon proceed themselves to cause such work to be done, and shall audit the expenses of such work and issue vouchers for such expense to the persons employed to perform such work, which vouchers may be presented to such county auditor, and he shall thereupon issue warrants to the treasurer of such county for the amounts of such vouchers payable to the holders thereof out of the road fund of such county. Such direction of said board shall be in writing, and may be served personally or by registered mail; proof of service in the former case shall be by affidavit attached to a copy of such direction, and in the latter by affidavit of mailing attached to a copy of such direction and accompanied by the post-office registry receipt: *Provided*, The expense of any such destruction which the Executive Relief Board may cause to be so done on any lands or fire breaks as specified in section 11 of this act, shall be a charge upon the State, and for the payment of such expense by him, the treasurer of such county may retain a sufficient amount of money in his next settlement with the State treasurer in the manner as provided in section 11 of this act.

SEC. 5. Any owner, or occupant of any land in any commissioner district in any county or any citizen of such district may make complaint to the county commissioner in charge of that district, by written notice of the existence of Russian thistles and French weed on any land or lands, describing the same, in the district of such commissioner, such thistles or French weeds not being on any highway, roadway or trail in use by the public. Thereupon such county commissioner shall at once notify the occupant of such land in writing, if such land be occupied, and in any case such county commissioner shall require the county auditor of such county at once to notify in writing the owner of such land, if his address be filed with such county auditor, or if it can be found, of the existence of such thistles or French weeds upon such land; and such notice served on such owner shall be sent by registered mail, and all postoffice receipts therefor shall be filed and preserved by such county auditor. If no such service of notice on the owner can be had, then notice shall be published one week in some newspaper published in such county; or if none be published, then a copy of such notice shall be conspicuously posted ten days on the front door of the court house of such county. It shall then become the duty of such occupant or owner, completely to destroy such thistles and French weed on such land, (but not on any highway, roadway or trail in public use) in the manner and season which shall be determined as provided in section 4 of this act. If within ten days after completion of service, publication or posting of notices aforesaid, (but not earlier than ten days after the date so fixed as provided in section 4 of this act, as the beginning of the season for destroying Russian thistles and French weed), the destruction of such Russian thistles and French weed on such land has not been completed, or begun and vigorously prosecuted, such county commissioner shall at once cause such thistles and French weed to be destroyed on such land in a manner so fixed in accordance with section 4 of this act; and he shall verify the expenses thereof by an itemized statement to the county auditor and the county auditor shall, at the meeting of the board of county commissioners, as provided in section 16 of this act, lay the same before such board, and the amount which in any such case shall be allowed by such board of county commissioners shall be entered upon the tax list as provided in sec-

tion 16 of this act, and such county auditor shall then issue his warrant for such amount to be paid out of the road fund of such county.

SEC. 6. Any owner or occupant of any land in any commissioner district, or any citizen of such district may make complaint to the county commissioner in charge of that district, by written notice, of the existence of Russian thistles or French weed on any part of any railroad right-of-way lying in such district, designating as near as may be the locality complained of. Thereupon the county commissioner shall require the county auditor of such county at once to notify the division superintendent having in charge such right-of-way in such district for the railroad company operating the line of railway to which line such right-of-way appertains, of the existence of such thistles or French weeds on such right-of-way, and such notice served on such superintendent shall be sent to him by registered mail, addressed to the post-office situated in the city, village or town in which his office may be located, and all post-office receipts therefor shall be filed and preserved by such auditor. It shall then become the duty of such railroad company completely to destroy such thistles and French weed on such right-of-way in the manner and season which shall be determined as provided in section 4 of this act. If within ten days after such service of notice the destruction of such thistles or French weeds complained¹ of the existence of which has been made, has not been completed, or begun and vigorously prosecuted, then it shall be the duty of such county commissioner to cause such thistles or French weed to be destroyed on such right-of-way in the time and manner so fixed in accordance with section 4 of this act, and such county commissioner shall certify the expenses thereof by an itemized statement to the county auditor in writing, and the county auditor shall at the meeting of the board of county commissioners as provided in section 16 of this act, lay the same before such board, and the amount which in any case, shall be allowed by such board of county commissioners for destruction of Russian thistles or French weed on such right-of-way within such county shall be entered upon the tax list as provided in section 16 of this act and such county auditor shall then issue his warrants for such amount to be paid out of the road fund of such county.

SEC. 7. Any owner or occupant of any land in any commissioner district in any county, or any citizen of such district may make complaint to the county commissioner in charge of that district, by written notice, of the existence of Russian thistles and French weeds in any highway, road, way or trail in public use, whether such be a public highway or not, designating as near as may be the locality complained of, and it shall then be the duty of such county commissioner to cause such thistles and French weeds to be destroyed in the manner so fixed in accordance with section 4 of this act; such county commissioner shall first require the overseer or supervisor of highways, or roads within whose highway or road district lies such highway, road, way or trail in public use, to cause so much as may be necessary of the work which, thereafter, in that year may be done in payment of road taxes, in such highway, or road district to be expended in the destruction of such thistles and French weeds; and if such work in such highway or road district, so done by all persons then subject to road poll tax shall not suffice for the complete destruction of such thistle and French weeds, then such county commissioner shall employ such further means as may be necessary to cause such thistles and French weeds to be completely destroyed. And such county commissioner shall certify the expenses thereof by an itemized statement to the county auditor, and the county auditor shall, at the meeting of the board of county commissioners as provided in section 16 of this act, lay the same before such board, and such county auditor shall issue his warrants for such amount when approved by such board of county commissioners, to be paid out of the road fund of such county.

SEC. 8. If after complaint of the existence of Russian thistles and French weeds made according to the provisions of sections 5 and 6 of this act, any county com-

¹ So enrolled for "complaint."

missicner shall fail to serve notice for the destruction of such Russian thistles and French weeds as by this act required of him, within five days after such complaint is made, then the party making such complaint may complain of the existence of the Russian thistles and French weeds to the sheriff of such county by written notice, and such notice upon the sheriff shall recite the fact that such notice has been served upon such commissioner but that no action has been taken by him, and it then shall become the duty of such sheriff to proceed in all particulars as required of the county commissioner by this act.

SEC. 9. If after the complaint of the existence of Russian thistles and French weeds made according to the provisions of sections 5 and 6 of this act the commissioner shall have duly served notice for the destruction of such thistles and French weeds as by this act required of him, and if within fifteen days after completion of notice or publication or posting of notice, as provided by sections 5 and 6 of this act, (but not earlier than ten days after the date so fixed as provided in section 4 of this act, as the beginning of the season for destroying said thistles and French weeds) the destruction of the thistles and French weeds on such right-of-way or such land has not been completed, or begun and vigorously prosecuted, by the county commissioner as provided in this act, then the party making such complaint may serve written notice on the sheriff of such county, reciting the fact of such failure to destroy or cause to be destroyed such thistles and French weeds, and it shall then become the duty of such sheriff to proceed in all particulars for the destruction of such thistles and French weeds as required of the county commissioner by this act.

SEC. 10. If after the complaint of the existence of Russian thistles and French weeds according to the provisions of section 7 of this act, any county commissioner shall fail to begin and vigorously prosecute the destruction of such Russian thistles and French weeds as by this act required of him within five days after such complaint has been made, on any highway, road, way or trail in public use, concerning which such said complaint has been made, then the party making such complaint may complain to the sheriff of such county by written notice, such notice reciting the fact that due notice has been served upon such county commissioner, but that no action has been taken by him, and it then shall become the duty of such sheriff to proceed in all particulars for the destruction of such thistles and French weeds as required of the county commissioner by this act.

SEC. 11. It shall be the duty of every county commissioner in his commissioner district to examine or cause to be examined all leased lands owned by the State and all school lands and all broken lands the title to which yet remains in the United States, and all fire breaks which have been made without warrant or license on the part of the owner of the land on which such fire breaks exist, and, if Russian thistles and French weeds are found on any such lands or fire breaks, they shall be destroyed under the direction of such county commissioner, and he shall certify the expense thereof by an itemized statement to the county auditor of such county, and such county auditor shall at the meeting of the board of county commissioners as provided in section 16 of this act, lay the same before such board, and such county auditor shall issue his warrants for such amount when approved by such board of county commissioners, to be paid out of the road fund of such county, and such expense so certified shall be a charge upon the State, and the amount of them shall be withheld by the county treasurer in his next payment to the State, by remitting to the State treasurer the itemized vouchers for such expenses in lieu of the money withheld; such itemized vouchers shall be duly certified by the county auditor as approved by the board of county commissioners; *Provided*, That the county commissioner who shall discover or be informed that Russian thistles and French weeds exist on any land on his commissioner's district, the title to which land is in the United States, but which land is occupied, held or cultivated by any person, shall cause notice to be served on such person to destroy such thistles and French weeds in the manner pro-

vided for an owner of land in section 5 of this act. And thereafter such person shall be subject to the same obligation as provided in section 5 of this act, the same as if he owned such land, and if he shall refuse or neglect to destroy such thistles and French weeds, and if such thistles and French weeds are destroyed by and under the direction of such county commissioner, then he shall be assessed with a personal tax for the expenses of so destroying such thistles and French weeds as provided in section 16 of this act. Such person shall also be subject to all the provisions and penalties of section 13 of this act.

SEC. 12. Every county commissioner shall ascertain by inquiry and investigation of¹ Russian thistles and French weeds exist on any highway, road, way or trail in public use, or on any part of such in his commissioner district. If he shall ascertain that such thistles and French weeds so exist he shall notify any overseer or supervisor of highways or roads, whose highway or road district lies in whole or in part in any such commissioner district, and within which highway or road district any such thistles and French weeds exist on any such highway, road, way or trail in public use, to notify all persons who are legally required or permitted to work out any road taxes in that year, that such work shall be done, so far as such county commissioner shall determine to be necessary, under the direction of such overseer or supervisor, in the destruction of such Russian thistles and French weeds in time and manner so fixed as provided in section 4 of this act, and if such persons or any of them shall fail to so work out their poll taxes, then the money which they or any of them shall pay in lieu of such work, shall be paid by the officer into whose possession or keeping such money shall come, to the county treasurer, who shall credit the same to the road fund of such county to be expended for the purposes of this act; and when such county commissioner shall have so notified any such overseer or supervisor of highways or roads as herein provided, no work on any highway or road shall be done in payment of road taxes on any such highway or road district, and no money collected in payment of road poll taxes, in any such highway or road district, so expended until the requirements of such county commissioner are fulfilled. No person shall be relieved hereby from any part of the road poll tax to which he shall be subject by law.

SEC. 13. Any owner or occupant of any land who shall receive written notice from the county commissioner or county auditor as provided in this act, to destroy any Russian thistles and French weeds existing on the land owned or occupied by him, who shall fail or refuse to destroy the same within the time required by the notice served on him, in accordance with the provisions of this act, shall be deemed guilty of a violation of the provisions of this act, and when convicted thereof, shall be subject to a fine of not less than five dollars (\$5) nor more than ten (\$10) dollars and costs of prosecution. Upon complaint of any owner or occupant of any land or of any citizen of the commissioner district in which the land owned or occupied by the party so notified lies, it shall be the duty of the State's Attorney of such county, if such complaint seems to be reasonable, to prosecute the party complained of, for such failure or refusal, and the penalty imposed, if any, shall be paid to the party making such complaint.

SEC. 14. To the end that the propagation and spread of Russian thistles and French weeds may to that extent be prevented and for the purpose of this act, it is hereby enacted that any owner or occupant of any cultivated land which is free from Russian thistles and French weeds, who shall know or be informed of the existence of any Russian thistles or French weeds on cultivated land within two miles of, and being the nearest cultivated lands on which Russian thistles or French weeds exist to the lands which he owns or occupies, and who shall believe from the existence of such thistles or French weeds that there is danger that the cultivated lands so occupied and owned by him will be seeded from such thistles and French weeds if they should go to seed, may serve a written notice on the owner or occupant of the culti-

¹ So enrolled for "if."

vated land on which such thistles and French weeds exist, or if no such service can be had, then by posting such notice conspicuously on such cultivated land, warning such owner or occupant to destroy such thistles and French weeds before they or any of them shall go to seed, and that otherwise he shall hold him responsible for any damages which in the ensuing season may result to the land which he owns or occupies therefrom. And if in such ensuing season Russian thistles and French weeds be found on the lands owned or occupied by the party who has given such notice, then failure or neglect on the part of the owner or occupant on whom such notice is served, to destroy such thistles and French weeds and all of them, before they or any of them shall have gone to seed, shall be *prima facie* evidence that such thistles and French weeds found on such lands in such ensuing season, have come from seeds produced on the lands owned and occupied by the parties so notified, and he shall be liable for damages accordingly. And inasmuch as damages of this nature must be exceedingly difficult to determine, the minimum of such damages is hereby declared to be twenty-five (25) cents for each square acre of the land occupied by the party who has served such notice, on which any Russian thistles and French weeds may be found in such ensuing season.

SEC. 15. Whenever any county commissioner or any sheriff shall neglect or refuse to comply with the provisions of this act within five (5) days after having received notice as provided in sections 5, 6, 7, 8, 9, and 10 of this act, he shall be subject to a fine of fifty dollars (\$50); and it is hereby made the duty of the State's attorney of the several counties to enforce the provisions of this act.

SEC. 16. On the first Wednesday of November in each year the board of county commissioners of every county in which Russian thistles and French weeds have been destroyed, under the provisions of this act, shall hold a session at their usual place of meeting for the purpose of levying an assessment against the lands upon which such thistles and French weeds have been destroyed, and upon any railroad company operating any line of railroad in the State, upon the right of way of which line within such county such Russian thistles and French weeds have been destroyed, and a personal tax upon every person who in that year has occupied, held or cultivated any land the title to which is in the United States, upon which any such thistles and French weeds have been destroyed in accordance with this act; and it shall be the duty of every person and corporation chargeable with the duty of destroying Russian thistles and French weeds upon any land or right-of-way within such county, to appear before such board at such time and place and show cause if any there be, why any such land or such railroad company should not be assessed. It shall be the duty of the county auditor to present at such time and place a report, showing the expenses incurred or made necessary in the destruction of Russian thistles and French weeds upon each tract of land, upon each right-of-way, and upon all highways, roads, ways and trails, in public use, in such county. And after the board of county commissioners shall have heard and duly considered all objections to the levy of all and any such assessments it shall be their duty to levy an assessment against every tract of land and upon every railroad company and upon every person for the amount which may be justly due on account of such expenses; and such assessments shall thereupon be extended upon the tax roll for such year as a special assessment against such land or railroad company, and the amount of such assessments shall become due at the same time, and be subject to the same penalties and interest and shall be collected in the same manner as other real and personal taxes. And the proceeds of such assessment so levied shall be paid into the credit of the road fund of such county when collected.

SEC. 17. The county auditor of each county shall, at the time of making the annual assessment and the levy of taxes, for the purposes of this act, levy a tax of one mill on the dollar on all taxable property in such county, which tax shall be collected at the same time and in the same manner as other taxes are collected, and the proceeds of such tax shall be paid by the county treasurer of each such county to

the State treasurer, and shall constitute a State fund, which shall be designated as the State Russian Thistle and French weed Fund. At the same time the county commissioners of each such county shall in addition to such tax of one mill so levied as aforesaid, levy a tax on all taxable property in each such county, not to exceed three mills on the dollar, on all taxable property in such county, and a road poll tax of \$1.50 on each inhabitant subject to poll tax, the proceeds of such tax shall be credited to the road fund of such county: *Provided*, That if any organized township in such county shall have already levied a road tax on the taxable property in such township, not less than the tax which the county commissioners of such county shall deem and determine proper to levy in accordance with the provisions of this section, no levy by such county commissioners shall be made on any property in such township; but in such case the county treasurer shall retain for the county road fund from the proceeds of such levy made by each such township an amount equal to that which would have accrued to the county road fund if such levy had been made on the taxable property of any such township as such county commissioners should have deemed and determined proper as aforesaid, proper allowance being made for any road taxes which shall have been paid by work as provided in section 12 of this act; and such county treasurer shall pay over any balance of such proceeds to such township, as now provided by law; and if any such township shall already have so levied a road tax less than the tax so deemed and determined proper by the county commissioners, then such county commissioners shall levy on the taxable property in any such township an additional tax sufficient to make the total road tax on such property equal to the tax they may deem and determine to be proper as aforesaid. And in such case the county treasurer shall not pay over any of the proceeds of such road taxes to such township, whether imposed by the township or by the county commissioners. Out of the sums which shall accrue to the county road fund of any county, or which may at any time be to the credit of any such road fund, shall first be paid all sums made necessary by the provisions of this act; and thereafter if there be any of said fund remaining, it may be expended as provided by law for the expenditure of county road funds.

The county treasurer of each county shall pay over out of any proceeds of any road tax, which by section 1167 of the Compiled Laws is provided to be paid to any incorporated city or town in such county, only such an amount as shall be in excess of an amount equal to a levy of a tax on all the taxable property of such city or town which the county commissioners shall deem and determine proper to levy on the taxable property of the county for the purposes of this act.

SEC. 18. All moneys which may be appropriated by the State legislative assembly or which may come into the possession of the State treasurer from any appropriation or from any source for the destruction of Russian thistles and French weed shall form a portion of the State Russian thistle and French weed fund.

SEC. 19. After the 31st day of December, 1895, after reserving a sufficient fund to pay all outstanding warrants drawn on the State Russian thistle and French weed fund under authority of this act, then, out of any money in such fund, may be paid into any other fund as the State Auditor may determine: First. The amount of all expenses which may have accrued to the State under the provisions of section 11 of this act. Second. Any amount which may have been appropriated by the State for the destruction of Russian thistles and French weed and which has been credited to the State thistle fund. And from such Russian thistle and French weed fund shall be paid any further payments authorized by this law.

SEC. 20. All funds which may accrue to the State Russian thistle and French weed fund shall be kept in the possession or under the control of the State treasurer until paid out as provided for in section 4 of this act.

SEC. 21. All warrants legally drawn on the road fund of any county in accordance with the provisions of this act, shall be paid or, in case of non-payment for want of funds, shall be registered and bear interest, and shall be payable in the order of registration the same as other warrants drawn on the road fund of such county, and

shall be available in such county, for the payment of any road taxes, or of any taxes levied on any lands, or on any railroad company, or of any personal tax, levied under the provisions of section 16 of this act. All warrants legally drawn on the State Russian thistle and French weed fund, if not paid for want of funds shall be registered and bear interest at the rate of seven per cent per annum and shall be available in payment of any taxes due or that may become due to the State, under the provisions of this act.

SEC. 22. It shall be the duty of the State auditor to tabulate and report to the governor on or before the 31st day of December in each year, the several amounts expended by the State under the provisions of this act for the destruction of Russian thistles and French weeds upon lands belonging to the United States; thereafter it shall be the duty of the governor and of the attorney-general to take such steps as they may deem proper to secure the payment of the same from the United States.

SEC. 23. Justices of the peace shall have concurrent jurisdiction with the district court to try and determine all prosecutions for the violation of the provisions of this act. Any owner or occupant of any land, or any citizen of any commissioner district in any county may make complaint of any violation of the provisions of this act occurring within such commissioner district, and thereupon it shall be the duty of the State's attorney for such county, if such complaint shall be reasonable, to prosecute the party complained of for such violation, and, upon conviction being had, one-half of the amount of any fines imposed shall be paid to the party bringing such complaint, except as provided in sections 13 and 14 of this act; and the remaining one-half of such fines shall be paid into the road fund of such county.

SEC. 24. Every county commissioner in discharging the duties required of him by this act shall, as fully as he is able, protect every person and all property against unnecessary expense and unjust burdens. Whenever it shall be necessary to employ any person for the destruction of Russian thistles and French weeds, preference shall be given, all things being equal and probable expense no greater, to occupants of lands contiguous to the lands on which such destruction is to be prosecuted. There shall be allowed for men and teams employed in such destruction no greater per diem than is now established by law for working out road taxes; persons so employed who fail to carry out their operations to the thorough destruction of the thistles and French weeds where employed, or in exercise of industry as in other employments shall forfeit all pay, proof of such failure being made before the county commissioners sitting as an auditing board as provided in section 16 of this act. No pay shall be allowed or credit given any owner or occupant of land for destroying Russian thistles and French weeds on land owned or occupied by him unless by direction of the executive relief board. Any public officer who shall discriminate in favor of or against any person or persons, or who shall wilfully incur or permit others acting under him, to incur grossly unnecessary expense in the destruction of Russian thistles and French weeds under the provisions of this act, shall be deemed guilty of a public offense, and upon conviction of any such offense, shall be subject to a fine of not less than one hundred dollars nor more than two hundred dollars, and become disqualified for his office; and such office shall be and remain vacant until his successor is elected or appointed thereto as provided by law; and pending an appeal the office shall remain vacant unless filled by appointment.

SEC. 25. It is hereby made unlawful to plant, cultivate, or purposely grow any Russian thistle and French weeds in the State, whether for any supposed or experimental utility, for ornament, as a curiosity, or for any purpose whatever; and every person so fostering or permitting the growth of any such thistle and French weeds shall be subject to a fine of not less than five dollars nor more than fifty dollars as a violation of the police provisions of this act: *Provided*, That the provisions of this section shall not apply to any act or operation done under the authority of the State, or of the board of commissioners provided for in this act, or of the faculty of the agricultural college of North Dakota for purposes of scientific investigation.

SEC. 26. To the end that the propagation and spread of Russian thistles and French weeds may to that extent be prevented, and for the purposes of this act, it is hereby made unlawful to plow fire breaks in any county that is infested with Russian thistles and French weeds, on any land except with the consent, previously obtained, of the owner of such land. And such owner shall then be liable to all the provisions of this act for the destruction of Russian thistles and French weeds on such fire break. Any person plowing any such fire break in any county aforesaid on land other than his own without the consent, previously obtained, of the owner of such land, shall be subject to a fine of not less than ten dollars nor more than fifty dollars, for each half mile or part of half mile in length of such fire break. He shall also be liable to all the provisions of this act for the destruction of thistles and French weeds on such fire break. He shall also be liable to the owner of such land for trespass and for damages, and may be sued in any court of competent jurisdiction.

SEC. 27. The board of commissioners created under section 4 of this act are authorized to incur such expenses as in their best judgment shall seem necessary to an intelligent and efficient discharge of their duties. They shall file itemized vouchers for such expenses with the State auditor, who shall issue his warrants for the respective vouchers, which warrants shall be paid by the State treasurer out of any money to the credit of the State Russian thistle and French weed fund.

SEC. 28. Each member of the board of commissioners created by section 4 of this act shall be entitled to his actual traveling expenses while in the discharge of his duties in accordance with the provisions of this act, and to three dollars (\$3) for each day he may be absent from home for hotel expenses, and to all other legitimate expenses incurred in the discharge of his duties according to the determinations of the board, and the provisions of this act. He shall from time to time file itemized vouchers for such expenses with the State auditor, who shall issue his warrants therefor, which warrants shall be paid by the State treasurer out of any money to the credit of the State Russian thistle and French weed fund.

SEC. 29. Every county commissioner shall receive for every day actually spent in the performance of his duties under this act the same compensation, to be paid in the same manner, as he is entitled to for the discharge of other duties of his office. And any sheriff, if the duties of this act shall fall upon him, shall receive the same compensation, to be paid in the same manner as provided for the county commissioner.

SEC. 30. It shall be the duty of the county auditor in each county to prepare blank forms of notice for use in accordance with the provisions of this act, and such forms shall, without charge, be furnished to parties desiring, or whose duty it shall become, to make use of them. And it shall be the duty of the auditor of each county to serve all notices as may be required of him by any county commissioner in such county, in accordance with the provisions of this act, in every case making diligent search to ascertain the correct postoffice address of the parties on whom such service shall so be required to be made; and any county auditor who shall fail or neglect to discharge any duty made incumbent on him by this act, shall be subject to a fine of not less than ten dollars (\$10) or more than twenty dollars (\$20) to be enforced as provided for other penalties in this act.

SEC. 31. All acts or parts of acts not consistent with the provisions of this act are hereby repealed.

SEC. 32. Inasmuch as it is needful for its purposes that this act shall become operative at once, and consequently that an emergency exists, *Therefore*, This act shall take effect on and after the date of its passage and approval.

Approved March 21, 1895.

(Laws of North Dakota, 1895, p. 142.)

OHIO.

FOR THE DESTRUCTION OF NOXIOUS WEEDS.

Be it enacted by the general assembly of the State of Ohio:

SECTION 1. That it shall be the duty of owners of land, adjacent to any line or partition fence, when the enclosure, of two or more persons is divided by such fence, and when the land is improved on both sides of the same, to keep all brush, briars, thistles or other noxious weeds, cut in the fence corners, or along the line of partition fences, provided however that nothing in this section shall be construed to affect the planting of vines or trees for use. [1885, April 29: 82 v. 181.]

SEC. 2. If the owner or tenant, occupying the same, neglects or refuses to cut, or have cut, such brush, briars, thistles, or other noxious weeds, as provided in the foregoing section, then any owner or occupant of land abutting on such line or partition fence, who may feel aggrieved thereby, may, after having given the owner or tenant occupying such land notice of his intentions, of not less than thirty days (and if such brush, briars, thistles or other noxious weeds are not cut or removed at the expiration of said thirty days), notify the trustees of the township in which such land is situated, whose duty it shall be to at once repair upon the premises, when, if they become satisfied there is just cause for complaint, they shall proceed to cause such brush, briars, thistles, or other noxious weeds to be cut, in such manner as they may consider best, either by letting the work to the lowest bidder, or by entering into a private contract to have the same performed. [1885, April 29: 82 v. 181.]

SEC. 3. As soon as the work shall be completed to the satisfaction of the trustees, they shall certify to the auditor of the county the amount of the cost of such labor, together with the expense thereto attached, with a correct description of the land upon which said labor has been performed, and the auditor shall place the same upon the duplicate, to be collected the same as other taxes are collected, and the county treasurer shall pay the amount when collected, to the township treasurer as other funds, specifying the same. [1885, April 29: 82 v. 181.]

SEC. 4. The township trustees may anticipate the collection and refunding the cost of said labor to the township treasurer, and at the same time said labor is performed draw their order upon such treasurer, for the amount, payable out of any township funds that may be in his hands. [1885, April 29: 82 v. 181.]

SEC. 5. The township trustees shall be entitled to one dollar per day for their services under this act. [1885, April 29: 82 v. 181.]

(Verified Revised Statutes of Ohio, Smith & Benedict, pp. 1232-1233.)

SEC. 7001. Whoever knowingly vends any grass or other seed, in or among which there is any seed of the Canada thistle, white or yellow daisy, or wild carrot, and whoever being the owner, occupier, or possessor of any land, suffers any Canada thistles, teasels or wild carrot to grow and ripen seeds thereon, or on any highway adjoining the same, shall be fined twenty dollars. [1884; 81, 37, § 2; (S. & C. 451).]

(Rev. Stat. O., Smith and Benedict, 1890, p. 2033.)

SEC. 3. The duties of supervisors shall be as follows; and within the months of July and August of each year, to cut down and destroy all weeds, burs, bushes, and briars growing in the public highways within his jurisdiction.

(Rev. Stat. O., Smith and Benedict, 1890, p. 2693.)

SEC. 4730. The superintendent of any improved or macadamized road, supervisor of county and township roads, or street commissioner of any city or village, shall, between the 15th and 30th days of June, and between the 1st and 15th days of August, and between the 15th and 30th days of September of each year, cut all brush, briars, Canada or common thistles, or other noxious weeds growing within the limits of any county or township road, improved or macadamized road, street or alley, within their jurisdiction. Such superintendent or supervisor shall be allowed \$1.50 per day for all necessary labor, to be allowed by the trustees and paid by the treasurer of such township out of the road fund then in his hands. The superin-

tendent or supervisor of any such roads may allow any landowner or tenant to cut and destroy any such brush, briars or weeds, growing on such highways, [along] the lands abutting on such highways owned or occupied by such landowner or tenant, and before such work is performed allow and fix a reasonable compensation therefor, which amount shall be credited on the road tax of that year assessed against said premises. The superintendent or manager of any toll road shall cut and destroy all brush, briars, and noxious weeds growing within the limits of any such road, between the days of each month as above specified in this section, and in default thereof and for five days thereafter the trustees of any township through which any such road passes shall cause any such brush, briars and weeds to be cut and destroyed, and shall have right of action against any such toll road company, for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

SEC. 4732. The trustees of any township of this State, upon information in writing, that Canada or common thistles, ox-eye daisy, wild parsnip, sweet clover, wild carrots, teasels, burdock or cockle-burs, are growing on any lands in their township and are about to spread or mature seed, between the first day of June and the fifteenth day of October of each year, said trustees shall cause notice in writing to be served upon the owner, lessee, agent or tenant having charge of any such lands, notifying such owner, lessee or agent or tenant that Canada or common thistles or other noxious weeds mentioned in this section are growing on such lands, and that such Canada thistles or other noxious weeds shall be cut and destroyed within five days after the service of such notice; and in default thereof, that said township trustees will enter upon such lands and cut and destroy such Canada or common thistles or other noxious weeds; and that the cost of cutting such Canada or common thistles or other noxious weeds, with the cost of such notice, will become a lien against said lands. Any constable or deputy marshal of any city or village, or deputy, is hereby authorized to make service and return of any such notice, and the fees for such services and return shall be the same as are allowed for service and return of summons in civil cases before magistrates. If any owner, lessee, agent or tenant having charge of any such lands shall fail to comply with such notice, the township trustees shall cause said Canada or common thistles or other noxious weeds to be cut and destroyed, and may employ any person to perform such labor, and allow such person fifteen cents per hour for the time occupied in performing such labor, and pay the sum for such labor out of any money in the treasury of said township not otherwise appropriated, and take receipt for the same. Said township trustees shall make return in writing to the board of commissioners of their county, with a statement of the charges for their services, the amount paid to the person for performing such labor together with the fees of the officers who made the service of notice and return, with a proper description of the premises; and the same having been allowed, shall be entered upon the tax duplicate, and shall be a lien against such lands, from and after the date of such entry on the duplicate, and shall be collected as other taxes, and returned to the township with the general fund.

SEC. 4732a. That in all cities and incorporated villages, except cities of the first and second grade of the first class and first and second grade of the second class, the mayor shall, during the month of May of each year, cause notice to be published for two consecutive weeks in one or more newspapers published in the corporation, or by posting up written or printed notices in said city or village at three public places for ten days next previous to the first day of June of each year, warning the owners, lessees or agents of lots and lands within such city or village to cause all Canada or common thistles, or other noxious weeds mentioned in section forty-seven hundred and thirty-two, growing on any such lots or lands within said corporation, to be cut and destroyed so that they do not mature seed or spread to adjoining lands. The common council of such city or village shall, upon information in writing that Canada or common thistles or other noxious weeds mentioned in section forty-seven hundred and thirty-two are growing on such lands within their corporation

between the tenth day of June and the fifteenth day of October of each year, cause such Canada or common thistles or other noxious weeds to be cut and destroyed so that they do not mature seed or spread to other lands, and said council may employ any person to cut and destroy said noxious weeds and allow such person so employed fifteen cents per hour for the time employed in such labor. And said council shall pay such amount out of the money of the general fund in the treasury of said city or village not otherwise appropriated, and take a receipt therefor. And said council shall make return in writing to the board of commissioners of their county, with a statement of the amount paid for such labor, and one dollar additional, as a penalty on each lot or parcel of land containing less than one acre, and with two dollars on each lot or parcel containing more than one acre. The same having been allowed, the auditor shall enter the amount so certified to him on the tax duplicate of the county against the lots or lands on which said Canada or common thistles or other noxious weeds were cut and destroyed, and the amounts shall be a lien against said lots or lands from and after such entry, and shall be collected as other taxes are collected, and returned to such city or village with the general fund: *Provided*, That [if] any such owner of such lots or lands shall tender to the treasurer of such township in cases of townships, or to the treasury of such city or village in the case of city or village, the amounts so chargeable against such lots or lands for such labor, together with the penalty as certified to by the clerk of said township, city or village showing the amount of such charges and penalty, the treasurer shall receive the amount so tendered, upon which said lots and lands shall be discharged from further liability.

SEC. 4732b. Township trustees shall be entitled to \$1.50 per day for their services under this act; the mayor of any city or village, or trustees of any township, or superintendent or other officer of any toll road, or superintendent of any improved or macadamized road, or supervisor of any county or township road, or street commissioner of any city or village, who neglects or refuses to perform their duties as mentioned in sections 4730, 4732 and 4732a, shall be fined in the sum of fifty dollars in any court having competent jurisdiction of such cases; such fines shall go into the road fund of the township in cases against township or toll road officers; and into the street fund in cases against mayors or other municipal officers.

SEC. 3. This act shall take effect and be in force on and after the first day of May, 1893.

Passed April 25, 1893.

(Ohio Laws 1893, p. 301.)

OREGON.

OF THE DESTRUCTION OF NOXIOUS WEEDS.

SECTION 1. It shall be the duty of the supervisors of the several counties in this State, in addition to the duties hitherto prescribed by law, to cause the destruction, in the manner which to said overseers shall seem most effective, of the weed known as the dagger cockle burr, where such weed shall be found growing upon the public highways and county roads of this State.

SEC. 4209. The road supervisors shall have the power to warn out laborers upon the public highways for the extirpation of such weed, as in cases of repairs of such highways.

SEC. 4210. Any road overseer neglecting to perform his duty under the provisions of this chapter shall be liable to a fine of not more than twenty-five nor less than five dollars, to be recovered to the use of the county before any justice of the peace by suit in the name of the county.

SEC. 4211. The owners or occupants of land shall carefully extirpate such weed when the same is found growing upon the land of such owner or occupant; and if such owner or occupant shall fail or refuse to destroy such weed after being notified by the road supervisor or any other person of the existence of such weed upon

his land, then it shall be the duty of the road supervisor to cause said weed to be destroyed upon said land, and at the expense of the owner thereof, the expense of such labor in destroying such weed to be recovered by suit in the name of the county before any court of competent jurisdiction.

SEC. 4212. It shall be the duty of all municipal corporations and county authorities in this State to provide for the extermination of the said dagger cockle burr within the limits of such corporation or on vacant lands within such county, and any city or town corporation within this State neglecting or refusing to comply with the provisions of this section shall be liable to a forfeiture to the State of a sum not less than fifty nor more than five hundred dollars, to be recovered by suit in the name of the State in any court of competent jurisdiction.

SEC. 4213. It shall be the duty of the several district attorneys of this State to prosecute all suits brought under the provisions of section 4212 within their respective counties, and such attorneys shall be entitled to a fee of twenty-five dollars for every judgment rendered in favor of the State in such suits, and shall be entitled to a fee of ten dollars for every suit brought under the provisions of this chapter when judgment is rendered against the State.

(Hill's Annotated Laws of Oregon, 1892, pp. 1772-1774.)

CANADA THISTLE.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. That it shall be the duty of the supervisors of the several counties in this State, in addition to the duties hitherto prescribed by law, to cause the destruction, in the manner which to the said supervisor shall seem the most effective, of the weed known as the Canada thistle, where such weed shall be found growing upon the public highways and county roads of this State.

SEC. 2. The road supervisors of each road district in this State shall immediately after this act takes effect, and from time to time thereafter, ascertain whether or not there is any weed known as the Canada thistle in his road district, and shall as soon [as] he ascertains that there is any of said weed, notify the county court of his county in writing at a regular session thereof of the existence of said weed, and upon whose land the said weed is growing. As soon as the county court has received said information said court shall appoint a householder in said road district as a commissioner, to hold office for the term of one year, whose duty it shall be to cause the said weed to [be] extirpated wherever found within said district.

SEC. 3. When the commissioner aforesaid is appointed it shall be his duty to ascertain from the road supervisor of his district the exact location of said weed, and he shall then notify the owner of the land upon which it is growing of its presence thereon, and request said owner to effectually remove said weed from his land; and in case the residence of the owner is unknown or is so far away that he can not be notified, or, if notified, can not attend to the extirpation of said weed within a reasonable time, then it shall be the duty of the commissioner to notify the occupant of said land and request him to extirpate said weed from said land.

SEC. 4. If such owner or occupant shall fail or refuse to destroy such weed after being notified by the commissioner of the existence of such weed upon his land, then it shall be the duty of said commissioner, and he shall have authority to go upon said land and cause said weed to be extirpated from said land in the manner which to him seems the most effective. The expense of destroying said weed on said land shall be paid upon the proper showing made by the commissioner out of the county funds, and shall be and remain a charge upon said lands, to be assessed to said land and collected the same as taxes: *Provided*, That the same may be remitted by the county court at any regular session thereof upon the petition of ten resident householders of the precinct where said petitioner resides.

SEC. 5. The commissioner shall receive from the county for his services, specified in sections 3 and 4 of this act, the sum of two dollars per day for the time actually employed.

SEC. 6. If the road supervisor or commissioner mentioned in this act willfully violates any of the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any justice's court having competent jurisdiction, shall be fined not less than fifty nor more than [than] one hundred dollars for each offense.

SEC. 7. It shall be the duty of all municipal corporations and county authorities in this State to provide for the extermination of said Canada thistle within the limits of such corporation or on the vacant lands within such county, and any city or town corporation within this State neglecting or refusing to comply with the provisions of this act shall be liable to a forfeiture to the State of a sum not less than fifty nor more than five hundred dollars, to be recovered by suit in the name of the State in any court of competent jurisdiction.

SEC. 8. It shall be the duty of the several district attorneys in this State to prosecute all suits brought under the provisions of section 7 within their respective counties, and such attorneys shall be entitled to a fee of twenty-five dollars for every judgment rendered in favor of the State in such suits, and shall be entitled to a fee of ten dollars for every suit brought under the provisions of this act when judgment is rendered against the State.

SEC. 9. Inasmuch as there is urgent need for the immediate extirpation of this weed, this act shall take effect upon its approval by the governor.

Approved February 25, 1889.

(The Laws of Oregon, 1889, p. 70.)

PENNSYLVANIA.

DESTRUCTION OF NOXIOUS WEEDS.

SECTION 1. It shall be the duty of every person or persons, and of every corporation holding land in any county or counties of this Commonwealth, either by lease or otherwise, on which any Canada thistles or weeds known as Canada thistles may be growing, to cut the same so as to prevent such thistles or weeds from going to seed and the seed of the same from ripening, and every person or persons or corporation as aforesaid, who shall or may have land as aforesaid, and who shall neglect or refuse to comply with the provisions of this act, shall forfeit and pay a fine of fifteen dollars to the treasurer of the school district in which such land may be situated, to be recovered the same as debts of like amount are now by law recoverable.

SEC. 2. If any person or persons, or corporation, so holding lands as aforesaid, on which any Canada thistles or the weeds known as such shall be growing, and likely to ripen seeds thereon, shall neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening, it shall and may be lawful for any person or persons, who may consider themselves aggrieved or about to be injured by such neglect or refusal, to inform by written notice any constable or supervisor of the township or district in which the said Canada thistles or weeds may be growing, whose duty it shall then be to give five days' notice in writing to such person or persons, or corporation, to cut and destroy such thistles or weeds, and on their neglect or refusal to cut and destroy the same at the end of five days, it shall be the duty of the officer giving such notice to enter upon such premises, with such other person or persons as he may employ, and cut down and destroy such Canada thistles, and the said officer or other persons so employed shall be entitled to recover from such person or persons, or corporation owning or holding land as aforesaid, compensation at the rate of two dollars and fifty cents per day, and the officer serving such notice shall likewise be entitled to a fee of fifty cents mileage for each mile, circular, traveled, to be recovered as debts of like amount before any justice or court in said counties.

SEC. 3. It shall be the duty of the supervisor or supervisors of the public roads or highways in every township or district as aforesaid, to cut and destroy in the same manner all such Canada thistles or weeds on or along such roads, and in case of unseated or mountain lands, whenever it shall come to the knowledge of either the

supervisor or constable of the existence of any such Canada thistles or weeds thereon, it shall be his duty to notify the owner, or owners, or agents of said lands in writing, giving ten days notice to cut and destroy the same as aforesaid, and upon failure to comply at the end of ten days, such officer, or any person or persons employed by him, shall proceed in the manner hereinbefore provided, with like fees and compensation; and if any such constable or supervisor shall neglect or refuse to perform his duties as prescribed by this act, he shall be liable to fine of ten dollars, the same to be sued for and recovered as aforesaid, by the party or parties aggrieved or about to be injured by such neglect or refusal.

(Brightly's Purdon's Digest. Pennsylvania. Supplement 1875-1891, p. 2131.)

SOUTH DAKOTA.

RELATING TO THE DESTRUCTION OF NOXIOUS WEEDS.

Be it enacted by the legislature of the State of South Dakota:

SECTION 1. Every person and every corporation shall destroy on all lands which he or it may own or occupy, all weeds of the kind known as Russian thistle, Canada thistle and cockle burr, at such time as the township board of supervisors, or the board of county commissioners, in counties which have not been organized into townships may direct; and notice shall be published in one or more county papers for a time not less than three weeks before the time fixed upon for the destruction of said weeds: *Provided*, That if there be no newspaper published in the county, then the said notice in lieu of such publication shall be posted the same as election notices are posted.

SEC. 2. It shall be the duty of the township supervisors or the board of county commissioners to fix the time for the destruction of all noxious weeds and to provide for their destruction in such manner as shall prevent their bearing seed.

SEC. 3. Every overseer of highways of every township or county shall also at the same time and in like manner, destroy all such noxious weeds, either on the highways of his road district or on any unoccupied lands therein, upon which the owner or lessee thereof shall neglect or refuse so to do; and for which service such overseer of highways shall receive as compensation a sum to be fixed by the board of county commissioners to be paid out of the general county fund: *Provided, however*, That the compensation for the said services shall not be less than two dollars per day.

SEC. 4. It shall be the duty of the overseer of highways to present to the board of county commissioners an itemized account, verified under oath, showing description of each piece of land upon which noxious weeds have been destroyed in accordance with the provisions of this act and the amount of the charge for such service by separate items; and said amounts shall become a lien against the lands so described, except in the case of the destruction of noxious weeds upon the public highways. The amount of cost of the destruction of such noxious weeds as so certified shall be placed upon the next tax list in a separate column headed "For the destruction of noxious weeds," as a tax against the land upon which such noxious weeds were destroyed, subject to all the penalties thereof, and to be collected as other taxes, and the entry of such tax upon the tax list shall be conclusive evidence of the liability of the land to such tax.

SEC. 5. It shall be the duty of all overseers of highways to certify to the county clerk in an itemized account verified by oath the amount of labor performed in destroying noxious weeds on all lands not public highways on or before the fifteenth day of September in each year.

SEC. 6. It shall be the duty of the county clerk to enter upon the tax list in a separate column for that purpose headed "For the destruction of noxious weeds" an amount equal to the cost of such labor as a tax against all lands not public highways upon which such noxious weeds were destroyed.

SEC. 7. If the owner or occupant of any such lands, or the board of county commissioners, or board of township supervisors in any county or township of this State shall fail to comply with any of the requirements of this act they shall forfeit to the county for such offenses a penalty of not less than five or more than fifty dollars; and upon complaint the State's attorney shall prosecute for any neglect of duty on the part of the owners or occupants of lands, overseers of public highways, board of county commissioners or township supervisors. All forfeitures arising under the provisions of this act shall inure to the general fund of the county in which action is brought.

SEC. 8. The State's attorney shall be liable under his bond for any failure to comply with the provisions of this act.

SEC. 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 10. Notice to the owners of the land provided to be given under the provisions of this act shall be made in the same manner as summons in the circuit court.

SEC. 11. Whereas an emergency exists, therefore this act shall take effect and be in force from and after the passage and approval.

Approved March 7, 1890.

(Session Laws, South Dakota, 1890, pp. 271-273.)

VERMONT.

THISTLES AND NOXIOUS WEEDS.

SECTION 1. Every person or corporation operating a railroad in this State shall cause all thistles and noxious weeds growing within the surveyed boundaries of such railroad to be cut and destroyed between the first day of July and the fifteenth day of July in each year.

SEC. 2. In case of failure so to do in any town through which such road passes, the selectmen of such town shall give notice thereof by mail to the principal office of such person or corporation, and in case such failure continues for ten days after such notice, the selectmen of such town shall forthwith cause such thistles and weeds to be cut at the expense of the town, and such town shall thereupon be entitled to recover from such person or corporation the sum of one hundred dollars in an action on the case founded upon this statute, to be recovered before any justice of the peace having jurisdiction of the parties.

Approved November 29th, 1882.

(Laws of Vermont, 1882, No. 40.)

WASHINGTON.

CONCERNING CANADA THISTLES.

SECTION 2238. If any person or persons owning, possessing, or having care or charge of any land or lands, improved or unimproved, inclosed or uninclosed, in this State, shall knowingly, wilfully or willingly permit or suffer any Chinese or Canada thistles to grow thereon, and suffer the same to stand until its seeds get ripe, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined the sum of ten dollars, and for the second offense not less than twenty-five nor more than fifty dollars, to be recovered, with costs, in any action to be brought before any court of competent jurisdiction in the county.

SEC. 2239. It shall be the duty of each supervisor of roads in each road district under the same penalties, for non-compliance as prescribed in preceding, to call out a sufficient number of laborers to cut down and destroy any Chinese or Canada thistles found growing in the public highways in his road district; said supervisor to have said thistles cut down and destroyed before the seed shall have matured, and said supervisor shall credit each and every person or laborer so called out with the

amount of labor so performed at the rate of two dollars per day on his road tax: *Provided*, That the counties of Cowlitz, Skamania, Pacific, Clarke, and Wahkiakum shall not be included in the provisions of this title.

(Hills Annotated Statutes and Codes of Washington, 1891, p. 834.)

WEST VIRGINIA.

NOXIOUS ANIMALS AND WEEDS.

SECTION 25. The county court of a county may offer reasonable bounties or rewards for the destruction of noxious animals, birds of prey, or weeds in the county, and provide for the payment of such bounties or rewards out of the county treasury. They may also provide for the abatement or removal of nuisances prejudicial to the health of the inhabitants in any part of the county, or may require or direct the removal of any particular nuisance of the kind.

Approved February 21, 1881. Acts 1881, p. 30.

(Code of West Virginia, Warth., 1891, p. 286.)

WISCONSIN.

NOXIOUS WEEDS.

SECTION 1. Every person and corporation shall destroy, upon all lands which he or they shall own, occupy or control, all weeds known as the Canada thistle (*circium arvense*¹), burdock (*lappa officinalis*²), white or ox-eye daisy (*leucanthemum vulgare*³), snapdragon or toad flax (*linaria vulgaris*⁴), cockle burr (*Zanthium strumarium*⁵), sow thistle (*souchnus arvensis*⁶), sour dock and yellow dock (*rumex crispus*⁷), mustard (*sinapis arvensis*⁸), wild parsnip (*Thaspium barbinode*⁹), sweet clover (*Mellilotus*¹⁰ *alba* or *mellilotus vulgaris*), and Russian thistle (*salsola kali*¹¹), and at such time and in such manner as shall effectually prevent them from bearing seed. In like manner shall he or they destroy any of the above-mentioned weeds standing or growing as far as the center of the highways, lanes or alleys, adjoining the lands owned or controlled by him or them.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1895.

(Laws of Wisconsin, 1895, p. 260.)

SEC. 1480b. [Sec. 2, ch. 313, 1887, as amended by section 2, ch. 432, 1889.] If the occupant of any such lands shall fail to so destroy such weeds as so required after having six days' notice in writing by any commissioner of noxious weeds, such occupant shall be fined five dollars for the first offense and ten dollars for each offense thereafter.

¹ *Carduus arvensis*.

² *Arctium lappa*.

³ *Chrysanthemum leucanthemum*.

⁴ *Linaria linaria*.

⁵ *Xanthium canadense* is probably intended, as *Xanthium strumarium* is unknown in Wisconsin.

⁶ *Sonchus arvensis*.

⁷ Curled dock is the approved common name of this species.

⁸ *Brassica sinapisstrum*.

⁹ *Pastinaca sativa* the wild parsnip is probably meant, as the meadow parsnip, *Thaspium barbinode* is never troublesome as a weed.

¹⁰ *Melilotus*.

¹¹ Russian thistle is *Salsola kali tragus*. *Salsola kali* is an Atlantic coast species which does not occur in Wisconsin.

SEC. 1480c. [Sec. 3, ch. 313, 1887.] Whenever it shall become necessary to serve notice as provided in section 2 of this act [Sec. 1480 b,] upon any railroad or other corporation owning or controlling any lands in any town, such notice, if served upon any agent of such corporation residing or being in said town, shall be deemed good and sufficient notice, and if no such agent shall reside or be in such town, then such notice may be served upon any agent of such corporation who shall reside or be in any adjoining town.

SEC. 1480d. [Sec. 4, ch. 313, 1887, as amended by sec. 3, ch. 432, 1889.] It shall be the duty of the chairman of the board of supervisors of each town, the president of the village board of any village, and the mayor of any city, to appoint some competent person or persons, in their own town, village or city, to be styled commissioner of noxious weeds, who shall be required to take the same oath as town officers, and hold his or their office for one year, and until his or their successors are appointed and qualified. Where more than one commissioner is appointed in any town, city, or village they shall be assigned separate and distinct districts or territories. For any good cause any such commissioner may be removed by the officer appointing him, and a successor appointed to fill the unexpired term.

(Annotated Statutes of Wisconsin, Sanborn & Berryman, 1889, pp. 907-908.)

SEC. 1480e. [Sec. 5, ch. 313, 1887, as amended by Sec. 2, ch. 145, 1893.] The commissioner shall carefully inquire concerning the existence of noxious weeds in his township or precinct, and in case any person, persons or corporation owning, occupying or controlling any lands therein, shall neglect to destroy any Canada thistle, burdocks, snapdragon, white or ox-eye daisy, cockle burr, sow thistle, sour dock, yellow dock, mustard, wild parsnip, or sweet clover, standing or growing on any lands owned or controlled by him or them or upon any highway, lane or alley adjoining such lands as far as the center of such highway, lane or alley, it shall be the duty of the commissioner to destroy or cause to be destroyed all such weeds. He shall spend as many days at such work of destruction as the chairman of the town board, president of the village, or mayor of the city may deem necessary, and for each day so spent shall receive the sum of two dollars upon presentation of his account therefor, verified by his oath, and specifying by separate items the amount against each piece of land, describing the same; and the several amounts shall be placed in the next tax roll in a separate column headed, "For destruction of weeds," as a tax upon the lands upon which such weeds were destroyed, and be collected as other taxes.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

(Laws of Wisconsin, 1893, p. 170.)

SEC. 1480f. [Sec. 6, ch. 313, 1887.] When any commissioner shall destroy any noxious weeds under the provisions of this act, upon lands owned or controlled by any railroad corporation, the said commissioner shall certify to the amount of money he is entitled to under the provisions of this act, to the board of supervisors of his town, who shall transmit a certified copy of said certificate to the State treasurer, who shall include the amount of money in said certificate in the amount to be paid for a license by said corporation as provided in section 1213, of the revised statutes of 1878; and the State treasurer shall collect the same from said corporation, as prescribed in the license provided in section 1212 and 1213, of the revised statutes, and return the money to the town from which such certificate was transmitted.

SEC. 1480g. [Sec. 5, ch. 432, 1889.] Any chairman of a town board, or the mayor of the city who shall refuse or neglect to appoint one or more thistle commissioners, as provided in section 4, of said chapter, within thirty days next following their election, shall be fined not less than fifty dollars nor more than one hundred dollars and costs, on complaint made in writing by any resident of the county to a justice of the peace, or magistrate in such county. Any weed commissioner, after taking

his oath of office, who shall refuse or neglect to perform the duties as prescribed in this chapter, shall be fined not less than ten nor more than twenty-five dollars and costs, on complaint stated as above, for each and every offense.

SEC. 1480h. [Sec. 7, ch. 313, 1887.] It shall be the duty of every town clerk, at the annual town meeting in each year, to read aloud to said meeting the whole of this act.

SEC. 1480i. [Sec. 8, ch. 31, 1887.] All previous acts in relation to noxious weeds, and all amendments thereto, are hereby repealed.

(Annotated Statutes of Wisconsin, Sanborn & Berryman, 1889, pp. 907-908.)



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